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Selected Subjects

Air Pollution Control
Environmental Protection Agency

Animal Biologics
Animal and Plant Health Inspection Service

Chemicals
Environmental Protection Agency

Fisheries
National Oceanic and Atmospheric Administration

Organization and Functions (Government Agencies)
Customs Service

Pesticides and Pests
Environmental Protection Agency

Savings and Loan Associations
Federal Home Loan Bank Board

Trade Practices
Federal Trade Commission

Wine
Alcohol, Tobacco and Firearms Bureau

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Presidential Documents

Title 3—

The President

Memorandum of August 30, 1984

Memorandum for the United States Trade Representative

Pursuant to Section 6 of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10922(*l*) (1) and (2)), I hereby extend for an additional two years the moratorium imposed by that Section and all actions taken by me under that Section on the issuance of certificates or permits to motor carriers domiciled in, or owned or controlled by persons of, a contiguous foreign country. This action preserves the *status quo* and will maintain the moratorium through September 19, 1986, unless earlier revoked or modified. This memorandum shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, August 30, 1984.

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Rules and Regulations

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FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 543 and 563

[Docket No. 84-461]

Amendments Regarding Corporate Titles of Federal Associations and Advertising of Insured Institutions

August 27, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations to require more informative corporate titles for federally chartered savings associations and, correspondingly, more specific identification of insured institutions in advertising. Corporate titles and certain forms of advertising in use on May 4, 1984, are exempt from the changes.

EFFECTIVE DATE: September 28, 1984.

FOR FURTHER INFORMATION CONTACT: David A. Permut, Attorney, (202) 377-6962, Diane Menefee, Paralegal, (202) 377-7059, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 84-200, (49 FR 19029, May 4, 1984) the Federal Home Loan Bank Board ("Board") proposed to amend its corporate title regulations for federally chartered savings and loan associations and savings banks ("Federal associations"), and its advertising regulations for institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation and federal savings banks whose accounts are insured by the Federal Deposit Insurance Corporation ("insured institutions"). This action was proposed because of the Board's belief in the importance of distinguishing thrifts from other financial institutions. The proposed changes were intended to ensure that such institutions not adopt titles or advertising practices that would mislead the public by appearing to characterize them as commercial banks or other types of institutions.

In the Board's view, this distinction was particularly important in light of the passage of the Garn-St Germain Depository Institutions Act of 1982 ("Garn Act"), Pub. L. 97-320, October 15, 1982. The Garn Act authorized the Board to charter new federal savings banks and federal stock savings and loan associations, and permitted savings banks to convert to federal charter but retain Federal Deposit Insurance Corporation ("FDIC") insurance of accounts. Because of the proliferation of types of federal thrift institutions, the Board was concerned that there was an increased risk of public confusion as to the identity and nature of the institutions with which the public has dealings. In addition, certain institutions proposed corporate names which would not identify them as depository institutions of any kind. In the majority of states, savings banks were unknown before the Garn Act and a title which included the word "bank" without the word "savings" would evoke thoughts only of commercial or industrial banks in the minds of consumers. The proposed amendments were intended to prevent the adoption of corporate titles or advertising practices that create such public misperceptions, by, among other things, appearing to characterize thrift institutions as commercial banks or other types of institutions.

The comment period for the proposal ended on July 3, 1984. The Board received 60 public comment letters, of which 52 were from thrift institutions and their representatives, seven from commercial bank representatives, and one from an advertising agency.

The thrifts generally opposed adoption of the rule, with three of that group suggesting modifications. The commercial banks, with one exception, were supportive of the proposal on the grounds that the rules were needed and would help the public differentiate between thrifts and other financial institutions.

A summary of the comments received is set forth below.

I. General Comments

Comments which did not respond to any particular provision of the proposed rule, but rather focused on the need for the regulation, centered around the issue of consumer confusion.

Eleven respondents felt that consumers are not confused and are generally sophisticated and knowledgeable about the various types of financial institutions available to them. One commenter stated his belief that it was inappropriate for the Board to go beyond regulating to prevent misrepresentation and to begin regulating against possible confusion, while another commenter stated that the Board has not proved that any confusion exists. Another view held that the issue of confusion was unimportant since consumers perceive commercial banks and thrifts similarly already with no adverse effects. One thrift agreed that there probably is some need for direction, but felt that use of the word "savings" in the titles of associations was not the answer.

Two commenters cited a survey conducted in 1978 by the New York League of Savings Institutions which found that the vast majority of the public cannot differentiate among the various types of financial institutions no matter what the title. They cited this study to support their contention that the regulation would serve no useful purpose and that adding the word "savings" is not going to clear up the confusion.

II. Section 543.1—Corporate Titles

Section 543.1 of the proposed regulation would require a federal association's title to include the word "savings" and in some manner indicate that it is a federal association. The most frequently cited objection to this requirement, mentioned by 21 of the respondents, was that it would inhibit the ability of thrifts to communicate the availability of new services to the consumer and would undermine the efforts of thrifts to provide all the financial needs of their customers. Six of the comments received, including those from an industry-wide group, stated that the use of the word "savings" in the title of thrifts does not accurately describe the nature of the industry today or its expanded services. Many also felt that in order to survive, thrifts must be

allowed to compete in the marketplace and emphasize their new services. They believe the proposed rule would put them at a disadvantage in developing the identity they need to compete successfully. Use of the word "savings" was perceived to be misleading, too restrictive, and counter to the spirit of the Garn Act, the intent of which was to allow thrifts to be more competitive and provide new services to consumers.

Nine of the comments received addressed the "grandfathering" provisions of § 543.1 which would exempt corporate titles in use on the date the proposed regulation was published. They felt that grandfathering titles already changed would give an unfair competitive advantage to these associations. One suggested that, rather than grandfathering these titles, the Board allow them a certain period of time, perhaps 24 months, within which to bring themselves into compliance with the new rule. Two respondents suggested that if the rule is adopted, all associations that have changed titles should be grandfathered completely and exempted from both the corporate title and the advertising provisions of the regulation.

Other commenters complained that competing state associations would not have to change their names and would have an unfair competitive advantage. One association stated it would suffer undue hardship if forced to change its short title because longer names are harder to remember and the change would confuse the public. Three commenters felt that current rules against misrepresentation are sufficient to ensure that thrifts do not hold themselves out to be what they are not, and that, in any event, use of the word "savings" would not necessarily clarify what type of institution it was. An industry trade group indicated its belief that associations converting to a federal charter should be exempted and not made to change their names beyond adding "FSB" or "FA" to their titles. This is particularly true, the organization asserted, for associations that have had a name for many years to which much consumer loyalty and goodwill is attached. Two responses questioned how using "savings" in their titles was going to emphasize the real estate lending role of thirfts. A suggestion was made by three of the responding associations that rather than using "savings" in their title thrifts instead be required to identify themselves as being insured by the FSLIC. Two associations felt that they would be unable to generate mortgage loan business if they called themselves "savings" institutions because the public would tend to think that the only services they provide are savings accounts.

III. Section 563.27—Advertising

The advertising provisions of the proposed regulation would require that (a) no insured institution shall use advertising that is inaccurate or in any way misrepresents its services, contracts, investments or financial condition; and (b) any advertising specifically indicate that an insured institution is a savings institution. Office signs existing on May 4, 1984, that depict the name of the insured institution would be grandfathered for as long as the institution chose to use its grandfathered corporate title.

Eight of the respondents felt strongly that additional financial hardship would result if the advertising regulations were adopted. They believed that changing their logos and signs would be prohibitively expensive and cause further damage to thrifts' already fragile condition. One thrift estimated that this rule could cost even a small institution with only ten branches a minimum of $50,000 for signs alone, and stated that costs would run much higher—to half a million dollars or more—for larger institutions with 20 or 30 branches.

Two thrifts wrote to say that they currently use "savings and loan association" as part of their corporate titles, and the titles would not, therefore, need to be grandfathered. However, they went on to explain that they have signs at existing offices that say only "X Federal," which would have to be redesigned according to the provisions of the advertising regulation. The associations asserted that costs to change the signs would be staggering and suggested that the Board allow existing signs to remain, provided that the associations place their full name on doors and windows. A group representing thrift institutions raised this same issue on behalf of its members who will find themselves in the same position as these two associations.

The issue of public confusion was mentioned by both those that opposed the advertising regulation and those that supported it. While a few commenters argued that there was no consumer confusion, at least eight believed that the advertising rule would add to any public confusion that already exists or, at the very least, not aid in clearing it up. One reason given for this was that some thrifts will now advertise themselves as "savings" institutions while other will not. They also believe that use of "disclaimer" language in advertising or use of the words "savings institution" will create the impression in the public eye that thrifts and savings banks are not eqaual to "real" banks, and cannot offer competitive services. An industry group expressed the view that use of the word "savings" may lead the public to believe that there is a difference between the rates being advertised by banks and those being advertised by savings institutions.

If an association with existing grandfathered signs opened a new branch or acquired additional offices through merger or bulk purchase of assets, the proposal would exempt any new sign to the extent it did not comply with the advertising rule. Two institutions felt that new branches should be alowed to display the grandfathered name also, apparently not realizing that this was what the proposal allowed. Two thrifts commented that the public perceives no real difference between thrifts, savings banks and commercial banks. In the view of these commenters, the public does not care so much about the type of institution as to cares about the type of services provided and the safety of its money.

A commercial banking industry representative was highly supportive of the advertising rule and enclosed copies of newspaper ads placed by a savings and loan association that the representative felt were misleading.

It was argued that it would be difficult to adapt a 30-second radio or TV ad to the required form because the additional language would be cumbersome, unnecessary and confusing. Two commenters suggested that the FDIC and the Board jointly adopt a bilaterial rule to clarify the differences between these institutions. They suggested that commercial banks be required to include "commercial" in their titles.

One institution requested that the Board distinguish between advertising and operational materials and limit the rule to TV, radio, newspaper ads and the like. It argued that stationery, memo paper, signature cards, account statements and similar items are intended for internal use or to communicate with existing customers who already know who and what they are.

Five commenters supported the advertising rule because they believed it would clarify the different types of institutions with which the public has dealings. One banking industry group requested that the Board limit the exemption for supplies of stationery and promotional materials for a one-year period, and also require that advertising comply with state laws.

A bankers' association wrote that misleading advertising was not in the public interest and thrifts who engage in such activities create public distrust and threaten the soundness of all financial institutions. This organization felt that no grandfathering should be allowed.

IV. The Final Regulation

After consideration of the public comments, the Board has determined to adopt the amendments substantially as proposed. The Board has considered carefully its concern that thrift institutions accurately convey in their corporate titles and advertising the type of institutions they are, and has weighted this concern against the comments received in response to the proposed regulation. The final regulation is intended to balance the concerns expressed by commenters against the need to clarify and keep distinct the identity of thrift institutions.

The issue of public confusion was discussed by many respondents. In considering this issue, the Board notes that, following the passage of the Garn Act, federal associatons have eagerly and aggressively begun marketing the new services they are now able to offer. Certain institutions have proposed corporate names which do not readily identify them as depository institutions of any kind. Savings banks, which did not exist in the majority of states prior to the Garn Act, are now becoming nore common. Because these institutions are relatively new, use of a title which contains the word "bank" without the modifying word "savings" may led the public to believe that they are commercial banks.

Studies conducted in the 1970s or earlier, and cited by some commenters to support their contention that the public does not or cannot differentiate between a savings institution and a commercial bank no matter what the title, do not convince the Board that this regulation lacks merit. First, the studies were conducted prior to the Garn Act and the advent of a much more complex financial environment. In the past, commercial banks and savings institutions were distinguished by the different services they offered. As savings institutions have acquired the ability to offer new services and restructure their corporate forms, these distinctions are in danger of becoming blurred. The Board believes it is incumbent upon it, and in the public interest, to keep the identity of different types of depository institutions as distinct as possible.

It never was the intent of the Garn Act to turn savings institutions into commercial banks. Indeed, the Garn Act emphasized the unique role of thrift institutions as primary lenders for the nation's residential real estate markets. The publicity given in recent years to the precarious financial state of many commercial banks and savings institutions, as well as the increased popularity and availability of high interest-bearing accounts and funds, has created a new awareness in some consumers of the variety of financial institutions and the services they offer. This does not mean, however, that all, or even most, consumers are sufficiently aware of these changes or readily distinguish among the various types of institutions, nor does it mean that there is no need to ensure that institutions do not use misleading titles or advertising. The retention of their special identity is important, both to preserve their role as primary lenders in the real estate mortgage market and to avoid confusing or misleading consumers as to their true identity.

The argument presented by some commenters, that use of the word "savings" in corporate titles will undermine their ability to attract loans for mortgages and therefore operate against the Board's expressed intent to preserve their role in this regard, the Board finds strained at best. Traditionally, titles of savings and loan institutions have included the word "savings." The identity of an association called, for example, First Federal Savings and Loan Assocaition, has been firmly established in the public mind as an institution that offered savings accounts and home mortgage loans. This was perceived to be their primary function. The Board does not, therefore, believe that use of the word "savings" in corporate titles will now lead the consumer to believe that savings accounts are the only function of any particular institution. The question then remains as to whether such public indentification will make it impossible for federal associations to relate their new and expanded services to the consumer. It is not the Board's design, in formulating this regulation, to hinder institutions in their attempts to sell their new services and compete in the marketplace. Indeed, it is and always has been of primary importance to the Boards that federal associations be able to compete succesfully in the marketplace and thus ensure their financial health and success. However, the Board must weight these concerns against the important need of institutions to maintain their identity as thrifts and not to mislead the consumer into believing that they are commercial banks. The Board believes that institutions are capable of making the services they offer known to the consumer without using corporate titles that are so vague as to be misleading. Certainly, it is not possible for any financial institution, commercial or otherwise, to identify, in its title alone, all the services it offers. Some of this must be left to the devices of advertising and promotion. The Board believes this to be an appropriate and reasonable approach.

The provision for "grandfathering" of titles in use on the publication date of the proposed rule was provided because it is not the Board's intention to require costly changes for those institutions that have recently converted or changed their titles in reliance upon then-existing regulations. Some commenters objected that this would give an unfair advantage to these grandfathered associations. After careful consideration of these comments, the Board feels that any advantage will be temporary and that the provisions of the advertising regulation will correct any imbalances. As indicated in the preamble of the proposal, it is estimated that only 21 associations and 39 savings banks have titles that will be grandfathered under the provisions of the new regulations, all other associations and savings banks already comply with the regulations; these 60 institutions will be required to comply with the Board's new advertising requirements. A savings bank, for example, could not simply use the phrase "bank" in advertising its name without indicating that it is a *savings* bank, even if its title is grandfathered and does not contain the word "savings."

The suggestion that institutions be allowed to comply with the regulation by simply adding "FSB" after their titles is not acceptable to the Board. Unless the words are spelled out clearly, the danger still exists that the titles will be misleading. It is also uncertian whether the majority of consumers are as yet aware of what the letters "FSB" stand for.

Additionally, it is possible that the letters "FSB" would be printed in so small a print as to be almost indiscernible. If the words "savings bank" are actually part of the title, this will not be possible.

With regard to the advertising rules, several commenters requested a modification to cure a situation peculiar to their associations and possibly others. These thrifts currently have corporate titles that do not need to be grandfathered because they already include the word "savings" in their titles (e.g., First Federal Savings and Loan Association). However, they are

concerned that under the proposed advertising rule they would be forced to modify signs that now say only, for example, "First Federal," "Home Federal," or "First Fidelity," to include the word "savings." In order to address this concern, the final advertising rule has been modified to provide that if the word "bank" is not used in the advertising of institution's name, the word "savings" need not be used in such advertising. This will allow associations to continue using the above-described types of signs. It is the opinion of the Board that such signs are not misleading. These short-form titles have always signalled to the public that the institution is a thrift institution and it is not this type of advertising that the Board feels is misleading and is attempting to prevent.

The Board is aware of and has considered the arguments of some institutions that compliance with the provisions of this regulation might involve expenditure of substantial amounts of money for some institutions. However, the Board does not believe that it would be in the public interest to allow thrifts or savings banks to advertise themselves in misleading ways simply because not doing so might involve the expenditure of certain amounts of money. Therefore, the Board has minimized the impact of any financial burden by amending the reguatory language to make clear that the grandfathering of signs and materials applies to all insured institutions. Signs in existence or ordered on May 4, 1984, will be grandfathered as long as the institution continues to use the corporate titles it had at that date. Stationery and other promotional materials on hand as of that date may continue to be used until existing supplies are exhausted and the institution needs to reorder such materials.

Some institutions expressed a desire that all of their signs be exactly alike, and that new signs not be required to comply with the new regulation. As the Board indicated in the proposed regulation, all titles of federal associations in existence on May 4, 1984, may continue to be used. Should such an institution open a new office or acquire additional offices through merger or bulk purchase of assets, it could put up a new sign with that title or logo despite its noncompliance with the regulation. However, all other advertising would have to comply with the advertising regulations.

With regard to stationery, supplies and other such items, the Board does not feel it is appropriate to exempt these materials, as suggested by one respondent, from the advertising provisions of this regulation. The argument that these items are intended for internal use or are sent (as in the case of bills or statements of account) to those who already know the identity and type of association that they are dealing with, is not convincing. While part of what the respondent says is true, it is also true that an institution's stationery can be, and probably is, used to solicit new business and accounts. To require that some of these items must comply and other materials need not comply with the advertising provisions would put the Board in the untenable position of constantly ruling on each particular item, and inconsistency in advertising material may in itself create customer confusion. In addition, the Board believes institutions would find it to be to their advantage to have the information used in these items agree with the information presented in other forms of advertising. Indeed, this argument was put forward by the institutions themselves to support the idea that all signs should be grandfathered, regardless of when they came into being.

One of the industry representative groups indicated its belief that the Board does not have the authority to apply the rule to savings banks which are insured by the FDIC. Section 5(o) of the Home Owners' Loan Act was added by the Garn Act and allows state-chartered savings banks insured by the FDIC to convert into federal savings banks, if not in contravention of applicable state law. The Board was given statutory authority, and was directed by that section, to provide for the organization, incorporation, operation, examination, and regulation of such institutions. The Board therefore believes that applying its advertising rules to these institutions is an authorized and appropriate use of its statutory responsibilities.

In considering a final regulation, the Board did not lose sight of the fact that the majority of comments it received opposed the adoption of this regulation. The Board has endeavored, in adopting the final regulation, to meet as many of the concerns of the commenters as possible. The Board believes, however, that preserving the very distinct identity of thrift institutions is of paramount importance. Added to this is the weight that must be given to the need to protect the public interest and ensure that members of the public are not misled as to the nature of the institutions with which they may wish to do business.

Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the rule will apply.* The rule on corporate titles would apply only to savings and loan associations and savings banks that are federally chartered ("federal associations") including federal savings banks the accounts of which are insured by the Federal Deposit Insurance Corporation. The rule on advertising would apply to all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation and to federal savings banks the accounts of which are insured by the Federal Deposit Insurance Corporation.

3. *Impact of the rule on small federal associations.* The rule would not have an adverse impact on small institutions. The changes are clarifying in nature, and thus would be expected to have a beneficial impact on large and small institutions alike.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the rule.

5. *Alternatives to the rule.* The rule is intended to avoid possible confusion on the part of the public toward the regulated industry, and there are no alternative approaches that would have the intended result with a lesser impact on small entities.

List of Subjects in 12 CFR Parts 543 and 563

Savings and loan associations.

Accordingly, the Board hereby amends Part 543, Subchapter C, and Part 563, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—INCORPORATION, ORGANIZATION AND CONVERSION

1. Revise § 543.1(a) as follows:

§ 543.1 Corporate title.

(a) *General.* Except for corporate titles in existence or applied for as of May 4, 1984, a Federal association's title shall include the word "Savings" and in some manner indicate that it is a Federal association. A Federal association shall not adopt a title that misrepresents the

nature of the institution or the services it offers.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Revise § 563.27 as follows:

§ 563.27 Advertising.

(a) No insured institution shall use advertising (which includes print or broadcast media, displays and signs, stationery, and all other promotional materials), or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition.

(b) Any advertising shall specifically indicate that an insured institution is a *savings* institution; except that if the word "bank" is not used in the advertising of the institution's name, the word "savings" need not be used in such advertising. No insured institution shall advertise or hold itself out to the public as a commercial bank. Signs existing or ordered on May 4, 1984, depicting the name of the insured institution, may be used for as long as the institution chooses to continue to use the corporate title in existence on that date, and may also be used on offices established of acquired after that date for the same period. Stationery and other promotional materials on hand as of that date are exempt until such time as the insured institution needs to reorder such materials in the ordinary course of business.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-23357 Filed 9-4-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3138]

California-Texas Oil Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Glendale, Ca. company and its corporate president, among other things, to cease making mileage or emission improvement claims for the "AWECO Mileage Extender" or any gasoline additive or automotive device, unless the claims can be substantiated by competent and reliable scientific tests. The company must also prominently disclose any material limitations or inferences that can be drawn from test results used to substantiate mileage or emission reduction claims. The order further bars the company from making any fuel economy or automotive emissions performance claims using the phrase "up to" or words of similar import, unless a substantial number of consumers, driving under normal conditions, can achieve the level of performance claimed.

DATE: Complaint and Order issued July 16, 1984.[1]

FOR FURTHER INFORMATION CONTACT: Paul R. Roark, 7R, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, Ca. 90024, (213) 209-7575.

SUPPLEMENTARY INFORMATION: On Tuesday, May 1, 1984, there was published in the **Federal Register**, 49 FR 18529, a proposed consent agreement with analysis In the Matter of California-Texas Oil Company, a California corporation, and Eileen M. Robertson, individually and as an officer of California-Texas Oil Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective action, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.170–34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records; Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitation of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Automobile retrofit devices, Trade practices.

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

Emily H. Rock,

Secretary.

[FR Doc. 84-23457 Filed 9-4-84; 8:45 am]

BILLING CODE 6750-01-M

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

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16 CFR Part 13

[Docket 7323]

Diamond Crystal Salt Company; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued February 4, 1960, by deleting the provision that required the company to give the Commission 90 days' notice of any acquisition of a salt producer or distributor.

DATES: Final Order issued February 4, 1960; Modified order issued July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Elliot Feinberg, L-301, FTC, Washington, D.C. 20580 (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of Diamond Crystal Salt Company, a corporation. Codification appearing at 25 FR 1873, remains unchanged.

List of Subjects in 16 CFR Part 13

Salt, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

Order Modifying Final Order in Docket No. 7323

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani.

In the matter of Diamond Crystal Salt Company, a corporation.

On February 4, 1960, the Federal Trade Commission, pursuant to Section 7 of the Clayton Act, issued the Order in this case against Diamond Crystal Salt Company. The Commission has determined that the public interest would be served by deleting the provision of that Order that requires Diamond Crystal to give the Commission 90 days' notice of any acquisition of a salt producer or distributor. Respondent has no objection to this modification.

Accordingly,

It is ordered, that this matter be, and it hereby is, reopened and that the Order in Docket No. 7323 be modified so that the reporting requirement contained in Paragraph 5 terminates on the date of service of this order.

Issued: July 30, 1984.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-23460 Filed 9-4-84; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. 8907]

General Motors Corporation, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commisson.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the Commission's 1975 cease and desist order which barred a motor vehicle manufacturer and its advertising agency from making superior handling claims for any automobile, unless these claims were substantiated by scientific tests [85 F.T.C. 27]. In response to petitions from both firms, the modifying order redefines the term "handling" as it relates to the control of a moving automobile; adds a paragraph defining the phrase "vehicle handling characteristics;" clarifies the meaning of "scientific tests" required for substantiating comparative claims; and permits respondents to make superiority claims regarding one or more specifically identified vehicle handling characteristics without having to raise substantiation requirements for other handling characteristics.

DATES: Cease and Desist Order issued January 10, 1975; Modifying Order issued August 16, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/B 417-1, Robert Barton, Washington, D.C. 20580, (202) 376-2863.

SUPPLEMENTARY INFORMATION: In the Matter of General Motors Corporation, et al. Codification appearing at 40 FR 15870, remains unchanged.

List of Subjects on 16 CFR Part 13

Automobiles, Trade practices.

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

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani.

In the matter of General Motors Corporation, et al.

Order Reopening Proceeding and Modifying Cease and Desist Order

On April 19, 1984 General Motors Corporation [hereinafter G.M.C.], a respondent in the above captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the above captioned proceeding and modify the order entered therein (85 F.T.C. 32). On May 7, 1984 Campbell-Ewald Company, an advertising agency for G.M.C. and also a respondent in the above matter, filed a petition to reopen and modify the order entered against Campbell-Ewald (85 F.T.C. 35).

The order, which was entered in 1975, prohibits the respondents from representing that any automobile is superior in handling to any other automobile or all other automobiles unless respondents have a reasonable basis for such representations. Handling is defined in terms of the response of the vehicle:

(a) Under conditions where rapid steering inputs in evasive or emergency maneuvers are necessary;

(b) Under cornering conditions at speeds in excess of 30 miles per hour in which levels of lateral acceleration in excess of .2g are attained; and

(c) In gusty crosswinds, on rough roads and under severe steering-braking conditions.

Respondents now seek to modify the order by, inter alia, substituting a new definition for handling, adding a new paragraph defining vehicle handling characteristics, and adding a further clarification to the definition of scientific test. The modified order would permit respondents to advertise specific aspects concerning the comparative handling of motor vehicles, without having to prove overall handling superiority.

The Commission has concluded that, to avoid any unintended restriction on the dissemination to the public of information material to purchasing decisions, the petitions are in the public interest and should be granted. The proposed modified order will continue to require that respondents have a reasnable basis for vehicle handling claims.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued January 10, 1975, in Docket No. 8907 is hereby modified to read as follows:

Decision and Order as to General Motors Corporation

I

It is ordered that respondent General Motors Corporation, a corporation, its successors and assigns, and its officers, agents, represenatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner including the use of any endorsement, testimonial, or statement made by any individual, group, or organization, that any automobile is superior to any other automobile or all other automobiles in handling or that any automobile exhibits one or more vehicle handling characteristics superior to the vehicle handling characteristics of any other automobile or all other automobiles, unless at the the time such representation is first disseminated:

(a) Respondent has a reasonable basis for such representation, which shall consist of a competent scientific test or tests that sustantiate such representation; and

(b) Respondent's agents, employees or representatives who are responsible for engineering approval of any advertisement containing such representation rely on such test or tests in approving such advertisement and provide to respondent's agents, employees or representatives who are responsible for approval of such advertisement a written statement that such reasonable basis exists which substantiates the representation.

2. Failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of the documentation constituting the reasonable basis required by Paragraph I.1 of this Order and which demonstrate the respondent's representatives relied

on such reasonable basis as required in Paragraph I.1(b); and

(b) Which shall be maintained for a period of three (3) years from the date on which any advertisements containing any such representation was last disseminated.

II

It is further ordered, that for the purposes of Paragraph I of this Order, the following definitions shall apply:

1. *Handling.* The term "handling" is defined as the interaction of the driver, automobile, road, and environment as it relates to the control of a moving automobile.

2. *Vehicle Handling Characteristics.* The term "vehicle handling characteristics" is defined as the separately identifiable vehicle attributes which influence the automobile's contribution to handling. Vehicle handling Characteristics include numerous vehicle attributes, such as, but not limited to, steering sensitivity, roll compliance, lateral acceleration response time, steering effort, maximum lateral acceleration, and task performance maneuvering capability.

3. *Scientific Test.* The term "scientific test" is defined and construed in accordance with the Federal Trade Commission's Order as stated in *Firestone Tire & Rubber Co.*, Docket No. 8818.

"In our view a scientific test is one in which persons with skill and expertise in the field conduct the test and evaluate its results in a disinterested manner using testing procedures generally accepted in the profession which best insure accurate results. This is not to say the respondent always must conduct laboratory tests. The appropriate test depends on the nature of the claim made. Thus a road or user test may be an adequate scientific test to substantiate one performance claim, whereas a laboratory test may be the proper test to substantiate another claim. Respondent's obligation is to assure that any claim it makes is adequately substantiated by the results of whatever constitutes a scientific test in those circumstances."

Scientific tests for claims of superiority in handling or vehicles handling characteristics shall include reliable measures to control the variable influences of the driver, road, and environment so that the contribution of the automobile or of a specific vehicle attibute, can be identified.

III

It is further ordered that for the purposes of Paragraph I of this Order a statement about handling or any vehicle handling characteristic implies superiority if the statement is phrased in the comparative or superlative degree, or if any advertising containing such statement conveys a net impression of comparative superiority; provided, however, that any statement or statements in such advertising phrased in the comparative or superlative degree regarding any subject other than handling or vehicle handling characteristics will not, for that reason alone and without a statistically valid consumer survey, render any statement in such advertising which does not relate to the handling or the vehicle handling characteristics of a vehicle and which is phrased in the positive degree to be deemed a representation that handling or vehicle handling characteristic of the vehicle are superior to any other vehicle or all other vehicles. A representation of superiority with respect to one or more specifically indentified vehicle handling characteristics shall not give rise to any substantiation requirements with respect to any other vehicle handling characteristic.

IV

It is further ordered that respondent General Motors Corporation shall forthwith distribute a copy of this Modified Order to each of its officers, agents, representatives, or employees who are engaged in the creation or approval of advertisements.

V

It is further ordered that respondent General Motors Corporation notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Modified Order.

It is further ordered that respondent shall within sixty (60) days after service upon it of this Modified Order file with the Commission a report, in writing, setting forth in detail the manner and form in wich it has complied with this Modified Order.

Decision and Order as to Campbell-Ewald Company

I

It is ordered that respondent Campbell-Ewald Company, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile, in commerce, as "commeerce" is defined in the Federal Trade Commissin Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner including the use of any endorsement, testimonial, or statement made by any individual, group, or organization, that any automobile is superior to any other automobile or all other automobiles in handling or that any automobile exhibits one or more vehicle handling characteristics superior to the vehicle handling characteristics of any other automobile or all other automobiles, unless at the the time such representation is first disseminated:

(a) Respondent or its client has a reasonable basis for such representaton, which shall consist of a competent scientific test or tests that substantiate such representation; or

(b) Respondent has a reasonable basis for such representation which shall consist of an opinion in writing signed by a person qualified by education and experience to render such an opinion (who, if qualified by education and experience, may be a person retained or employed by respondent's client) that a competent scientific test or tests exist to substantiate such representation, provided that any such opinion also discloses the nature of such test or tests and provided further that respondent neither knows nor has reason to know that such test or tests do not in fact substantiate such representation or that any such opinion does not constitute a reasonable basis for such representation;

2. Failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of the documentation constituting the reasonable basis required by Paragraph I.1 of this Order and which demonstrate that respondent's representatives relied on such reasonable basis as required in Paragraph I.1(b); and

(b) Which shall be maintained for a period of three (3) years from the date on which any advertisements containing any such representation was last disseminated by respondent.

II

It is further ordered that for the purposes of Paragraph I of the Order, the following definitions shall apply:

1. *Handling.* The term "handling" is defined as the interaction of the driver, automobile, road, and environment as it

relates to the control of a moving automobile.

2. *Vehicle Handling Characteristics.* The term "vehicle handling characteristics" is defined as the separately identifiable vehicle attributes which influence the automobile's contribution to handling. Vehicle handling Characteristics include numerous vehicle attributes, such as, but not limited to, steering sensitivity, roll compliance, lateral acceleration response time, steering effort, maximum lateral acceleration, and task performance maneuvering capability.

3. *Scientific Tests.* The term "scientific test" is defined and construed in accordance with the Federal Trade Commission's Order as stated in *Firestone Tire & Rubber Company.*, Docket No. 8818.

"In our view a scientific test is one in which persons with skill and expertise in the field conduct the test and evaluate its results in a disinterested manner using testing procedures generally accepted in the profession which best insure accurate results. This is not to say the respondent always must conduct laboratory tests.

"The appropriate test depends on the nature of the claim made. Thus a road or user test must be an adequate scientific test to substantiate one performance claim, whereas a laboratory test may be the proper test to substantiate another claim. Respondent's obligation is to assure that any claim it makes is adequately substantiated by the results of whatever constitutes a scientific test in those circumstances."

Scientific tests for claims of superiority in handling or vehicle handling characteristics shall include reliable measures to control the variable influences of the driver, road, and environment so that the contribution of the automobile or of a specific vehicle attribute, can be identified.

III

It is further ordered that for the purposes of Paragraph I of this Order, a statement about handling or any vehicle handling characteristic implies superiority if the statement is phrased in the comparative or superlative degree, or if any advertising containing such statement conveys a net impression of comparative superiority; provided, however, that any statement or statements in such advertising phrased in the comparative or superlative degree regarding any subject other than handling or vehicle handling characteristics will not, for that reason alone and without a statistically valid consumer survey, render any statement in such advertising which does relate to the handling or the vehicle handling characteristics of a vehicle and which is phrased in the positive degree to be deemed a representation that handling or vehicle handling characteristics of the vehicle are superior to any other vehicle or all other vehicles. A representation of superiority with respect to one or more specifically identified vehicle handling characteristics shall not give rise to any substantiation requirements with respect to any other vehicle handling characteristic.

IV

It is further ordered that respondent Campbell-Ewald Company shall forthwith distribute a copy of this Modified Order to each of its officers, agents, representatives, or employees who are engaged in the creation or approval of advertisements.

V

It is further ordered that respondent Campbell-Ewald Company notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Modified Order.

VI

It is further ordered that respondent shall within sixty (60) days after service upon it of this Modified Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Modified Order.

Issued: August 16, 1984.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-23459 Filed 9-4-84; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Expansion of Commodity Option Pilot Program

Correction

In FR Doc. 84-22491, beginning on page 33641, in the issue of Friday, August 24, 1984, on page 33644, in the second column, in § 33.4(a)(6)(i), in the first line, "not specifically" should read "specifically".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 1-84-9R]

Special Local Regulations: Peaks Island to Portland Swim; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects an incorrect section number which appeared in the **Federal Register** of August 13, 1984.

FOR FURTHER INFORMATION CONTACT: LT]G Thomas E. Hobaica, (617) 223-3607.

Discussion of Correction

In the **Federal Register** of August 13, 1984, page 32176, the Coast Guard published a rule establishing a temporary section to Part 100 of Title 33 CFR. The part is improperly identified in the amendatory language as § 100.35-1-05. This document corrects that citation to read, § 100.35-1-9R.

Dated: August 29, 1984.

C.M. Holland,

Captain, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 84-23365 Filed 9-4-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 30

[OA-FRL-2664-3]

General Regulation for Assistance Programs; Clarification

AGENCY: Environmental Protection Agency.

ACTION: Clarification of Provisions Implementing Circular A-122, as Revised.

SUMMARY: This Notice clarifies the Environmental Protection Agency's (EPA) implementation of the Office of Management and Budget's "Lobbying" revision to Circular A-122, "Cost Principles for Nonprofit Organizations." OMB published its revision in the **Federal Register** on April 27, 1984 (49 FR 18260), with an effective date of May 29, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Gwynn, Chief, Grants Policy and Procedures Branch (PM-216), Environmental Protection Agency, Washington, D.C. 20460, (202) 382-5268.

SUPPLEMENTARY INFORMATION: EPA implements the OMB Circulars and Federal regulations which establish cost principles for Federal assistance agreements through the EPA's "General Regulation for Assistance Programs" at 40 CFR 30.410. Section 30.410 lists the Circulars and regulations applicable to various types of recipient organizations. Section 30.410(c) applies OMB Circular A-122 to nonprofit recipient organizations, except educational institutions.

Section 30.410 does not list the dates that OMB Circulars and Federal regulations are issued or revised. Unless a circular or regulation indicates otherwise, EPA applies the version of the Circular or regulation that is in effect on the date an assistance agreement is awarded. The **Federal Register** preamble for the revised Circular A-122 issued on April 27, 1984 (49 FR 18620) specified that the revision would affect only agreements awarded after May 29, 1984, the effective date of the revised Circular. Accordingly, EPA will apply the revised Circular to all assistance agreements awarded after that date.

EPA's general regulation restricts using assistance funds for advocacy purposes at 40 CFR 30.601. Section 30.601 prohibits the use of assistance funds for "lobbying or influencing legislation before Congress" or "partisan or political advocacy purposes." For nonprofit recipient organizations other than educational institutions, EPA will implement this prohibition consistent with § 30.410(c) and the requirements of OMB Circular A-122 as revised.

Dated: August 22, 1984.

Harvey G. Pippen, Jr.,

Director, Grants Administration Division.

[FR Doc. 84-23422 Filed 9-4-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 721

[OPTS-50501A; FRL-2541-8]

Significant New Uses of Chemical Substances; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a final significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2604(a)(2), to require persons to notify EPA at least 90 days before manufacturing, importing, or processing potassium N,N-bis (hydroxyethyl) cocoamine oxide phosphate and potassium N,N-bis (hydroxyethyl) tallowamine oxide phosphate for use in consumer product formulations containing greater than five percent by weight of these substances. These chemical substances were the subject of premanufacture notices (PMNs) P-82-400 and P-82-409 and a TSCA section 5(e) consent order prohibiting use of the substances in consumer products. Subpart A of the rule contains general procedural provisions applicable to all SNURs. Subpart B contains provisions unique to the two substances.

DATES: This rule shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on September 19, 1984. This rule is effective October 19, 1984.

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

SUPPLEMENTARY INFORMATION: OMB Control Number 2070-0012.

I. Introduction

Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a significant new use. EPA must make this determination by rule, after considering all relevant factors, including those listed in section 5(a)(2) of TSCA. Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is generally subject to the same statutory requirements and procedures as a PMN submitted under section 5(a)(1)(A). In particular, these include the information submission requirements of section 5 (b) and (d)(1), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5 (e) and (f). If EPA does not take regulatory action under section 5, 6, or 7 to control activities on which it has received a SNUR notice, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

Substances covered by proposed or final SNURs are subject to the export reporting requirements of TSCA section 12(b). EPA regulations interpreting section 12(b) requirements appear at 40 CFR Part 707. Substances covered by final SNURs are subject to TSCA section 13 import certification requirements at 19 CFR 12.118 through 12.127 and 127.28 published in the **Federal Register** of August 1, 1983 (48 FR 34734). The EPA policy in support of these requirements appears at 40 CFR Part 707 published in the **Federal Register** of December 13, 1983 (48 FR 55462).

II. Organization of This Rule

A. General

This rule establishes a new Part 721 in Title 40 of the Code of Federal Regulations (CFR) which is structured into two major subparts. Subpart A contains procedural provisions that apply to this SNUR and will apply to all SNURs. Since these provisions would otherwise be repeated in each SNUR applying to specific chemical substances, the Agency decided to promulgate Subpart A. In future SNURs the provisions of Subpart A will apply unless modified in the particular SNUR at that time.

Subpart B will contain the specific chemical substances and significant new uses for those substances as each SNUR is promulgated, including modifications of the Subpart A provisions for specific substances for which the general provisions of Subpart A are inappropriate. At this time, Subpart B consists of § 721.575 which identifies two chemical substances and the significant new use of those substances discussed in Unit V of this preamble.

The structure of Part 721 in two subparts was originally proposed in the **Federal Register** of November 26, 1980 (45 FR 78970). Those sections which appear in Subpart A of Part 721 have been proposed either individually or collectively and discussed in the **Federal Register** as part of a number of individual SNUR proposals. In adopting Subpart A, EPA has considered public comments submitted on the procedural aspects of all SNURs proposed to date. However, the Agency will consider any further comments which are submitted regarding the provisions of Subpart A.

B. Organization of Subpart A

Subpart A codifies the general procedures for reporting on significant new uses. The subpart contains nine sections which are summarized below.

1. Section 721.1 describes the scope and applicability of Part 721. This section explains the interrelation of Subparts A and B and the relationship of Part 721 to the PMN rules in Part 720. The section also states that, where the

provisions of Parts 721 and 720 conflict, Part 721 controls. Similarly, if Subparts A and B conflict, Subpart B will govern.

2. Section 721.3 contains definitions applicable to significant new use reporting. Generally, the definitions in section 3 of TSCA and those contained in the PMN rules will apply to SNUR reporting. Additional definitions have been provided in § 721.3 where no PMN definition exists or where the existing PMN definitions are inappropriate for SNUR reporting. As new definitions are considered for particular substances and significant new uses, they will be proposed as additions to Subpart A or B as required.

3. Section 721.5 contains the general scheme for determining who must report on significant new uses. EPA has chosen the most inclusive requirements for reporting consistent with section 5(a)(1)(B) of TSCA. There will be occasions, such as with the rule being codified here at § 721.575 in Subpart B, where the Agency will not require reporting from each of those persons specified in § 721.5. In cases such as these, EPA will promulgate specific language, such as is contained in § 721.575, to narrow the scope of the Subpart A requirements.

Section 5(a)(1)(B) of TSCA requires persons to submit a SNUR notice to EPA 90 days before they manufacture, import, or process a substance for a significant new use. Therefore, the language of § 721.5 makes clear that manufacturers, importers, and processors are subject to SNUR notice requirements.

Section 721.5 is designed to cover a variety of situations. Paragraph (a)(1) requires manufacturers, importers, and processors who intend to engage in a designated significant new use to report. Paragraph (a)(2) requires manufacturers, importers, and processors who are themselves not commencing a significant new use, but who intend to distribute a substance subject to a SNUR in commerce, to submit a significant new use notice unless: (1) They do not have a reasonable belief that their customers intend to engage in a significant new use without submitting the required notice and (2) they can document that they have notified their customers that the substance is subject to a SNUR. EPA adopted this provision because the Agency concluded that if a manufacturer, importer, or processor of a chemical substance subject to a SNUR distributes the substance in commerce (unless the manufacturer, importer, or processor has complied with the two provisions specified above), that person "intends" the significant new use to take place, even if it does not know whether its customers intend to engage in the significant new use. Therefore, EPA has provided, under § 721.5(a)(2), the means by which persons who manufacture, import, process, or distribute the substance in commerce but who do not intend to commence a significant new use may demonstrate that they lack this intent by compliance with the two provisions specified above. The term "customer" is defined in § 721.3.

Section 721.5(b) provides that a processor who engages in a significant new use is not required to report if it can document that it has a reasonable belief that the substance intended to be processed is not subject to a SNUR. Examples of such documentation include: (1) A letter from a supplier assuring the purchaser that the substance is not subject to a SNUR, (2) a written response from EPA to a *bona fide* inquiry made under § 721.6 indicating that the substance in question is not subject to a SNUR, and (3) written evidence (such as that which would be submitted with a *bona fide* inquiry under § 721.6) which demonstrates that the chemical structure of the substance in question would not be included in the specific or generic chemical name identified in Subpart B of Part 721. This provision is consistent with paragraph (a)(2) to ensure that a significant new use notice is submitted by a person who actually intends to engage in a significant new use before that use takes place.

Section 721.5(c) provides that if a manufacturer, importer, or processor later has a reasonable belief that a customer is processing the substance for a significant new use without submitting a significant new use notice, the manufacturer, importer, or processor must submit a notice unless it ceases supplying the substance to the processor, notifies EPA enforcement authorities, and does not resume supplying the substance to the processor until all required significant new use notices have been submitted to EPA and the notice review periods have run without regulatory action by EPA. This section ensures that there will be no intentional violations of SNURs after the manufacture, import, or processing of a substance identified in Subpart B of Part 721 has begun.

EPA believes that this approach will result in maximum compliance with SNURs because it clearly sets out the relative responsibilities of manufacturers, importers, and processors for reporting under section 5(a)(1)(B) of TSCA.

EPA has received comments on the issues of who should be required to submit a significant new use notice and who should be liable for failure to submit a notice. EPA believes section 5(a)(1)(B) of TSCA clearly provides that manufacturers, importers, and processors are liable for submission of notices when they manufacture, import, or process a substance for a significant new use. Some comments stated that manufacturers should not be held responsible for the failure of a processor to file a SNUR notice. Commenters also stated that EPA could not require manufacturers to inform their customers that their products are subject to SNUR reporting (or that they should be required to so so only when the chemical identity is confidential). Rather than make a manufacturer, importer, or processor liable when a customer processes a substance for a significant new use without submitting a significant new use notice to EPA, EPA is promulgating a scheme intended to ensure good faith compliance with SNURs by enabling those persons who distribute a substance subject to a SNUR in commerce (but who do not themselves commence a significant new use) either to submit a notice or to inform their customers of the SNUR.

Section 721.5(d) provides that any significant new use notice submitted by an importer must be submitted by the principal importer. The rationale for doing so is the same as for the requirement in the PMN rule. "Principal Importer" is defined in § 721.3 and is very similar to the definition in the PMN rule § 720.3(z). The definition has been modified for this rule to apply to SNURs rather than new chemical substances. For a detailed explanation of the principal importer concept and its application, see the preamble to the PMN rule published in the **Federal Register** of May 13, 1983 (48 FR 21726 and 21727).

4. Section 721.6 contains procedures for determining whether a chemical substance is subject to a SNUR when the substance is identified by a generic chemical name in Subpart B. This section allows any person who intends to manufacture, import, or process a chemical substance described by a generic chemical name in Subpart B to ask EPA whether their chemical substance is subject to a SNUR. The process for doing so is very similar to the process required for manufacturers and importers to show a *bona fide* intent to manufacture or import under 40 CFR 710.7(g)(2) of the Inventory Reporting Rules and 40 CFR 720.25(b)(2) of the Premanufacture Notification Rules as published in the **Federal Register** of May 13, 1983 (48 FR 21722). In instances such as this SNUR, where the two chemical

substances are specifically identified, the provisions of § 721.6 will not apply.

Section 721.6 allows manufacturers, importers, and processors to determine whether they are subject to SNURs while protecting confidential business information (CBI) from unnecessary disclosure. EPA proposed several SNURs in which the specific chemical identities of the substances involved were claimed as confidential by the submitters of the PMNs for those substances. In the proposals, EPA identified the substances involved by generic chemical names and PMN numbers. After considering comments on these proposals, EPA has concluded that, in general, it will not be necessary to reveal the specific chemical identities of such substances during the rulemaking or in the final rules. However, in future SNURs, EPA will continue to consider on a case-by-case basis whether disclosure of specific chemical identity is necessary.

5. Section 721.7 explains the applicability of TSCA section 12 and section 13 requirements for exports and imports of substances subject to SNURs. These requirements are summarized in Unit I of this preamble.

6. As discussed in previously proposed SNURs, and as § 721.10 provides, SNUR notice submitters must use the PMN form and follow the PMN procedures which have been codified in Part 720. In specific SNURs, such as this one, EPA may modify the form requirements to avoid collecting information not relevant to review of the significant new use. The Agency will process the notice according to the procedures in Part 720 except to the extent these may be modified in specific additions to Subpart B.

EPA will issue a summary of each notice in the **Federal Register** under section 5(d)(2). The review period for the notice will run 90 days from EPA's receipt of the notice. Under section 5(c), this period may be extended up to an additional 90 days for good cause. The submitter may not manufacture, import, or process the substance for the significant new use until the review period, including extensions, has expired.

The Agency may regulate the substance during the review period. If a significant new use notice is submitted for a chemical substance without information sufficient to judge the toxicity and exposure potential of the substance, EPA may issue a section 5(e) order limiting or prohibiting the use until sufficient information is developed. In addition, section 5(f) authorizes EPA to prohibit a significant new use that presents or will present an unreasonable risk to health or the environment. EPA may also refer information in a SNUR notice to other EPA offices and other Federal agencies. If EPA does not take action under section 5, 6, or 7 to control activities for which it has received a significant new use notice, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

Section 721.10(b) allows two or more persons who are required to submit a notice for the same chemical substance and significant new use to submit a joint notice to EPA. EPA believes that in many cases a manufacturer and a processor may work together to develop a significant new use and that each would have information important to the assessment of the use. However, EPA does not want to receive duplicative information and wishes to avoid the burden on the submitters of such duplication. Accordingly, § 721.10(b) provides that a joint notice can be submitted as long as it contains all information that either person is required to report. A joint notice may be a single submission signed by both parties or coordinated separate submissions by both parties. Both parties would remain liable individually for failure to submit required information in the joint notice, including information which is known to or reasonably ascertainable by them and test data in their possession or control.

Section 721.10(d) makes clear that a person submitting a significant new use notice cannot manufacture, import, or process the substance for the significant new use until the notice review period, including all extensions and suspensions, has expired. As with PMNs, EPA expects that significant new use notice submitters may, on occasion, suspend the notice review period, in accordance with § 720.75(b) of the PMN rule which applies to SNURs under § 721.10(c), to give the submitter sufficient time to meet concerns raised by EPA during review.

7. Section 721.13 establishes enforcement and compliance provisions for SNURs which have been discussed in previous SNUR proposals.

It is unlawful for any person to fail or refuse to comply with any provision of section 5 of TSCA or any rule promulgated under section 5. Manufacture, import, or processing of a chemical substance for a significant new use without prior submission of a SNUR notice is a violation of section 15 of TSCA.

Section 15 also makes it unlawful for any person to:

a. Use for commercial purposes a chemical substance or mixture which such person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of a SNUR.

b. Fail or refuse to permit entry or inspection as required by section 11 of TSCA.

c. Fail or refuse to permit access to or copying of records, as required by TSCA.

Violators may be subject to various penalties and to both criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of a SNUR may be subject to penalties calculated as if they never filed their notices. Under the penalty provision of section 16 of TSCA, any person who violates section 15 could be subject to a civil penalty of up to $25,000 for each violation. Each day of operation in violation could constitute a separate violation. Knowing or willful violations of a SNUR could lead to the imposition of criminal penalties of up to one year of imprisonment. Other remedies are available to EPA under sections 7 and 17 of TSCA such as seeking an injunction to restrain violations of a SNUR and the seizure of chemical substances manufactured, imported, or processed in violation of a SNUR.

Individuals, as well as corporations, could be subject to enforcement actions. Sections 15 and 16 of TSCA apply to "any person" who violates various provisions of TSCA. EPA may, at its discretion, proceed against individuals as well as companies. In particular, EPA may proceed against individuals who report false information or cause it to be reported.

8. Section 721.17 establishes general recordkeeping requirements for SNUR notice submitters. These provisions require the maintenance of documentation of the information contained in a SNUR notice for a period of five years following the date of the notice submission. These provisions are consistent with those required of PMN submitters in § 720.78 in the PMN rule, and the Agency believes they should apply to SNUR notice submitters to ensure compliance with the notice requirements.

9. Section 721.19 establishes general exemptions to significant new use reporting requirements. Under this approach, persons who manufacture, import, or process chemical substances identified in Subpart B will not be subject to the reporting requirements for significant new uses under the following circumstances:

a. The person has applied for and has been granted an exemption for test

marketing the substance for the significant new use in accordance with section 5(h)(1) of the Act and § 720.38 of the PMN rule.

b. The person manufactures, imports, or processes the substance in small quantities solely for research and development in accordance with section 5(h)(3) of TSCA.

c. The person has applied for and been granted an exemption under section 5(h)(5) of TSCA.

d. The person manufactures, imports, or processes the substance only as an impurity.

e. The person manufactures, imports, or processes the substance only as a byproduct which is used only by public or private organizations that: (1) Burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes.

f. The person imports or processes the substance as part of an article.

g. The person manufactures or processes the substance solely for export and, when distributed in commerce, labels the substance in accordance with section 12(a)(1)(B) of TSCA.

The first three exemptions come directly from section 5(h) of TSCA. On May 13, 1983, EPA issued its final premanufacture notification rules (40 CFR Part 720), including § 720.36 which contained detailed rules for the section 5(h)(3) exemption for chemical substances manufactured or imported in small quantities solely for research and development. In the **Federal Register** of September 13, 1983 (48 FR 41132), EPA stayed the effectiveness of § 720.36, among other provisions of the PMN rule, pending further rulemaking to revise the provisions. Because § 720.36 is not in effect, EPA will rely on the general definition of "small quantities solely for research and development" in § 720.3(cc) and section 5(h)(3) of TSCA to determine whether a manufacturer, importer, or processor qualifies under this exemption. Upon promulgation of a revised § 720.36, EPA intends to amend § 721.19(b) to adopt the provisions of the revised § 720.36.

Section 721.19 also contains exemptions from reporting when the person manufactures, imports, or processes the specific substances as byproducts or impurities to conform to similar exemptions in the PMN rule (see § 720.30 (g) and (h)(1), respectively, of the PMN rule). Persons are also exempt when they import or process the specific substances as part of an article because EPA believes that people and the environment will generally not be exposed to substances in articles. However, for specific significant new uses of specific chemical substances, EPA may decide to eliminate one or all of these three exemptions if EPA decides that review under a SNUR is warranted for specific substances as impurities or byproducts or in articles.

EPA has also exempted persons from reporting when they manufacture or process the specific substances solely for export from the United States. While EPA might be concerned about worker exposure or environmental release during manufacture and processing of substances solely for export, section 12(a) of TSCA exempts substances manufactured, processed, or distributed in commerce solely for export from regulation under section 5(a)(2) unless EPA finds that the activities will present an unreasonable risk of injury to health or the environment in the United States. In most cases for SNURs, especially for PMN substances which have not been tested, EPA believes it will not have made a "will present an unreasonable risk" finding and, thus, could not overcome the section 12(a) bar. In cases where the significant new use of concern would involve activities which occur only outside the United States, EPA would not have jurisdiction.

The PMN rule defines the term "manufacture solely for export" in § 720.3(s) ("manufacture" includes import) which specifies that such a substance cannot be used in the United States. Section 721.3 of this rule defines the term "process solely for export" in a similar fashion. Processing must be performed at sites under the control of the processor, distribution in commerce is limited to purposes of export, and the substance may not be used by the processor other than in small quantities solely for research and development. In addition, for both manufacture and processing, the substance must be labeled in accordance with section 12(a)(1)(B) of TSCA when distributed in commerce. If a person manufactures or processes a substance both for export and for use in the United States, such manufacture or processing is not "solely for export" because the substance is manufactured or processed for use in the United States.

C. Organization of Subpart B

Subpart B of Part 721 will identify the specific chemical substances and significant new uses subject to reporting. In addition, this subpart will contain additional requirements or modifications of Subpart A requirements and procedures necessary for specific substances. At this time, Subpart B contains only § 721.575 which identifies two chemical substances and significant new uses which are the subject of this rulemaking, as well as provisions specifically applicable to the two substances.

The Agency believes that there may be circumstances that will lead to the modification of the significant new use descriptions contained in Subpart B. When a significant new use notice is submitted, EPA will review the use to determine whether any regulatory action is necessary. If following its review, EPA allows the use to occur, the Agency will consider amending the SNUR to modify or eliminate the significant new use description if it finds that a change is warranted or that further notice of that use under a SNUR is not warranted. EPA may also amend Subpart B to eliminate or modify other use descriptions if it determines, based on data available to EPA, that a substance no longer presents health or environmental concerns for those uses.

III. Background of Substances Subject to Specific SNUR

The two chemical substances covered by § 721.575 were the subject of PMNs. They are potassium N,N-bis (hydroxyethyl) cocamine oxide phosphate, which was the subject of P-82-400 and potassium N,N-bis (hydroxyethyl) tallowamine oxide phosphate, which was the subject of P-82-409. For convenience, the chemical substances will be referred to by their PMN numbers in this preamble.

On June 1 and 2, 1982, EPA received two PMNs which the Agency designated as P-82-400 and P-82-409. EPA announced receipt of the two PMNs in the **Federal Register** of June 11, 1982 (47 FR 25401). The notice submitter stated in the PMNs that the substances, which are amphoteric surfactants, will be used primarily in industrial cleaning products and could be used in general purpose cleaners and in personal care products. The PMN submissions included test data for acute oral toxicity and eye and skin irritation. The two substances were tested for skin and eye irritation potential at concentrations of 45 to 50 percent using rabbits. The reported primary skin irritation scores were 6.05 for P-82-400 and 6.12 for P-82-409 (with 8 the maximum possible score). The reported ocular irritation scores for the substances ranged from 5.8 to 42.2 for P-82-400 and 37.0 to 103.3 for P-82-409 (with 110 the maximum score). Based on these results, EPA concluded that both substances are severe primary skin and eye irritants at concentrations of 45 to 50 percent. In addition, the substances may be severe primary skin and eye irritants

at lower concentrations. A more detailed analysis of the possible health hazard posed by the substances appears in the section 5(e) consent order for these substances which is included in the record for this rulemaking.

The PMNs contained no data for eye and skin irritation at lower concentrations that are likely to be found in consumer products. Since irritation effects of relatively low concentrations were not known and could not be reliably estimated from the available data, EPA concluded that information available to the Agency was insufficient to permit a fully reasoned evaluation of potential health effects of the two substances at the lower concentrations. EPA further determined that, in the absence of sufficient information to make such an evaluation, the two substances may present an unreasonable risk of injury to human health.

Based on these findings, EPA negotiated a section 5(e) consent order with the notice submitter. The order became effective on September 14, 1982, and prohibited the notice submitter from manufacturing, processing, or distributing either P-82-400 or P-82-409 for use as a "consumer chemical." The order defined "consumer chemical" as "any chemical which is (1) sold or made available directly to consumers for their use; or (2) present in a solution, mixture, suspension, or gelatin which is sold or made available to consumers for their use." In addition, the order prohibited the notice submitter from manufacturing, processing, or distributing either P-82-400 or P-82-409 unless a material safety data sheet (MSDS) was distributed to each vendee or other recipient of the substances. The order required that the MSDS state that the substances were not to be manufactured, processed, or distributed for use as consumer chemicals. In addition, the notice submitter stated that the MSDS would: (1) Warn that preliminary screening suggested that the substances may cause severe skin and eye irritation and (2) recommend the use of protective gloves and eye protection by workers who may be exposed to the substances.

IV. Reasons for Issuing This SNUR

As stated above, EPA issued a section 5(e) consent order to prohibit manufacture of the two substances for use as consumer chemicals pending development of further information on the substances' potential health effects; however, the terms of the order apply only to the notice submitter. Since the notice submitter commenced commercial manufacture of the substances for industrial use and submitted a notice of commencement of manufacture to EPA, the Agency added the substances to the TSCA Chemical Substance Inventory. Once a substance has been added to the Inventory, any person may manufacture, import, or process the substance for any use. For this reason, in the Federal Register of February 17, 1983 (48 FR 7142), EPA proposed designating use of the substances as consumer chemicals a significant new use so that the Agency could review such use before it occurs.

Since proposal of this SNUR, EPA received a second set of data from tests performed by the notice submitter on these substances. These data indicate that, when tested at concentrations of five percent by weight, the substances are minor eye irritants and not irritating to the skin of rabbits. The results of these studies have mitigated EPA's concerns for use of these substances in consumer products at concentrations less than or equal to five percent by weight. Accordingly, EPA is now adjusting the definition of significant new use to require reporting by processors only when these substances will be used in consumer products at concentrations greater than five percent by weight. These data submissions have been added to the record of this rulemaking.

EPA considered other possible approaches. One alternative approach was not to place the substances on the Inventory while the section 5(e) order was in effect. One commenter disagreed with this option. Under this approach, because the substances would not be on the Inventory, another person would have to submit a PMN if that person intended to manufacture the substances for any use, even an industrial use about which EPA has little concern. EPA rejected this alternative as being overly broad and inconsistent with its Inventory policies.

Another alternative was to promulgate a section 8(a) reporting rule for the substances. Under such a rule, EPA could have required any person to report to EPA before manufacturing, importing, or processing the substances for use as a consumer chemical. Because the substances were subject to a section 5(e) order, the small business exemption of section 8(a) would not have applied. However, if EPA received a report under section 8(a) indicating that a person intended to manufacture, import, or process the substances for use as a consumer chemical, the Agency could not take immediate action under section 5(e) as it can under a SNUR and thus would not be able to regulate the substances pending development of information of effects of the substances at concentrations being formulated. This approach would have allowed unnecessary risks to human health during the time needed for data development.

The Agency also considered withdrawing the proposed rule after receiving the data which indicated that these substances would present little or no risks to human health at concentrations of five percent or less. The Agency considered this alternative because the PMN submitter had indicated that it had no forseeable plans for use of these substances in consumer products at concentrations greater than five percent by weight. However, the Agency cannot be confident that other manufacturers or processors will not recommend the use of these substances in consumer products at higher concentrations. Therefore, the Agency believes the approach it has selected is more appropriate.

In response to the proposed SNUR, some commenters stated that other Federal agencies, namely the Food and Drug Administration and the Consumer Product Safety Commission, already effectively control the risks of concern in this instance. One commenter suggested that section 9 of TSCA needed to be invoked affirmatively to retain EPA's jurisdiction of cases such as these where a number of Federal agencies may share jurisdiction. The Agency disagrees with both of these comments. EPA believes that Congress intended TSCA to provide the Agency with the necessary authority to prevent or control risks posed by new chemical substances which have many useful applications not specifically excluded from TSCA jurisdiction by Congress, including uses in consumer products. In instances such as these, several Federal agencies may have complementary, not exclusive, roles. EPA believes this is consistent with Congress' intent and will continue to review new substances which may present unreasonable risks and act to control those risks when appropriate. In instances where EPA believes another agency is more properly suited to evaluate and control a specific risk, it may then refer that case to that Agency. Generally, section 9 of TSCA does not apply to SNURs. A referral under section 9 occurs only when the Agency makes a finding that an activity "presents or will present an unreasonable risk." The Agency does not make such a finding in a SNUR rulemaking.

V. Significant New Uses Subject to Reporting

To determine what would constitute a significant new use of these chemical substances, EPA considered relevant information about the toxicity of the substances and likely exposures associated with possible uses as well as the four factors listed in section 5(a)(2) of TSCA. In particular, EPA considered the extent to which potential uses may affect human exposure. Based on these considerations, EPA has decided to define "use in a consumer product in formulations containing greater than five percent by weight" as a significant new use of P-82-400 and P-82-409.

The Agency has defined "consumer product" as "any chemical substance which is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreation." This definition of "consumer product" is consistent with the definition of "consumer product" in the Consumer Product Safety Act, 15 U.S.C. 2051. Because this definition is unique to the circumstances of these two substances, the Agency has included it in § 721.575 as a supplement to the definitions in § 721.3 of Subpart A. Examples of chemical substances present in a mixture which is sold or made available to consumers for their use include substances used as surfactants in household all-purpose cleaners, rug shampoos, or laundry detergents which are sold or made available to consumers. In this rule EPA defines "consumer" as a natural person who uses products for personal rather than business purposes.

In response to comments, the Agency has made slight changes in the significant new use description from the proposed language. These changes are not intended to alter the meaning or spirit of the proposed language, only to simplify the description. EPA's basis for this significant new use determination is explained below.

EPA believes that the use of P-82-400 or P-82-409 in a consumer product in concentrations greater than five percent by weight may change the duration and type of exposure relative to the likely exposures associated with the non-consumer uses allowed under the section 5(e) consent order. The largest identified market for the substances for which manufacture has been permitted under the section 5(e) order is use in industrial cleaners containing alkaline materials such as caustic (sodium hydroxide), ammonia, or metasilicates. Industrial workers are believed to have experience in the safe handling of substances of this nature. Because of the presence of alkaline material, these products will generally carry labeling which warns of potential skin and eye irritation. This labeling will further encourage the use of protective equipment to limit potential exposure to the substances during industrial use.

The PMN submitter indicated that P-82-400 and P-82-409 could be used in consumer products such as liquid soaps, household all-purpose cleaners, rug shampoos, scouring pads, oven and pot and pan cleaners, and laundry detergents. Use of may of these products would involve direct contact with the skin. Users of consumer products are not likely to expect products such as liquid soaps, household all-purpose cleaners, rug shampoos, and laundry detergents to cause severe eye or skin irritation. Thus, the likelihood of eye and skin exposures is greater since users of household products are unlikely to take the same precautions as do workers using industrial cleaners. In addition, any use of these substances in consumer products could expose far more people to the substances. Users of these consumer products would constitute a different, much larger segment of the general population than the workers potentially exposed to industrial cleaners. Therefore, EPA believes that use of the substances in a consumer product at concentrations greater than five percent by weight would increase potential human exposure.

Finally, EPA has already determined in the section 5(e) consent order that use of the substances as a consumer chemical may present an unreasonable risk. While such a finding is not necessary to promulgate a SNUR, it strongly supports the determination that this use of the substances would be significant.

VI. Persons Subject to SNUR Notice Requirements Under § 721.575

Section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA before they manufacture or process a substance subject to a SNUR for a significant new use. As previously explained, the language of TSCA and § 721.5 makes clear that manufacturers (including importers) and processors are subject to SNUR notice requirements. Under § 721.5(a)(2) a manufacturer, importer, or processor of a substance subject to a SNUR who does not intend to commence a significant new use but who intends to distribute the substance in commerce must submit a significant new use notice unless the person: (1) Has a reasonable belief at the time of distribution that its customers do not intend to engage in a significant new use without first submitting a significant new use notice and (2) can document that the person has notified its customers of the SNUR. As explained in Unit II.B.3 of this preamble, this ensures that EPA will receive a significant new use notice from that distributor who knows or has a reasonable belief that a customer intends to engage in the significant new use without submitting the required notice or does not notify its customers of the SNUR. For these substances and this significant new use, EPA believes that it will probably be processors who actually formulate consumer products containing either of the two substances at greater than five percent by weight and who most likely will trigger the reporting requirements of § 721.5.

EPA considered allowing manufacturers and processors to decide which party should submit what information to EPA so long as all appropriate information was submitted. Some commenters preferred this alternative. However, EPA believes that, in this case, the reporting scheme contained in § 721.5 is more likely to result in EPA receiving the most complete and accurate information on the particular substances and significant new use.

EPA has also concluded that if these two substances are distributed in commerce as part of a mixture in which they occur at concentrations of five percent or less by weight of the mixture, no customer is likely to reformulate the mixture in such a way that either P-82-400 and P-82-409 could occur in a comsumer product at greater than five percent. Accordingly, § 721.575(b)(2) provides that, in this instance, § 721.5(a)(2) does not apply and such a distributor would not be required to submit a significant new use notice or notify customers of the SNUR.

VII. Uses Subject to SNUR Notice Requirements

EPA recognizes that when chemical substances identified in a proposed SNUR are listed on the Inventory, they may be manufactured, imported, or processed for "significant new uses" as defined in the proposal before promulgation of the final rule. The statute and its legislative history do not make clear whether uses commenced after proposal but before promulgation may be considered significant new uses subject to SNUR notification. However, EPA believes that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the SNUR proposal date. If uses

commenced during the proposal period were not considered significant new uses it would be almost impossible for the Agency to establish SNUR notice requirements since any person could defeat the SNUR by initiating the proposed significant new use before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B). One commenter supported EPA's interpretation on this issue; another disagreed. However, none of the commenters indicated that the significant new use established in this rule has occurred.

For the purposes of this rule, even if these substances were manufactured, imported, or processed between proposal and promulgation for the significant new use, such activities may not continue after the effective date of this rule. Any such person must cease such activity until the person has complied with all SNUR notice requirements. EPA recognizes that this interpretation could disrupt commercial activities of persons who commenced manufacture or processing for the significant new use during the proposal period; however, the Agency believes that these persons were given adequate notice of this interpretation by the terms of the proposal.

VIII. Procedures for Informing Persons of the Existence of This Significant New Use Rule

The rule will be codified in the CFR. While this **Federal Register** notice provides legal notice of the rule, EPA explored additional ways to inform potential SNUR notice submitters of the existence of the rule.

EPA will publish information concerning this and other final SNURs in the TSCA Chemicals-in-Progress Bulletin, published by the TSCA Assistance Office of EPA's Office of Toxic Substances. EPA will also use the TSCA Chemical Substance Inventory to inform persons of the existence of this and other final SNURs through footnotes referring to the chemical identities of the substances subject to SNURs. The footnotes will refer to an Inventory Appendix which will give a **Federal Register** and CFR citation for the SNUR. Commenters supported the use of all available means of informing persons of the existence of SNURs.

IX. Required Information

As discussed in the proposal, and consistent with other proposed SNURs, under § 721.10 the Agency will require SNUR notice submitters to use the PMN form published in the **Federal Register** of May 13, 1983 (48 FR 21722). However, for the purposes of reviewing these two substances, EPA is interested only in information concerning the formulation and use of the substances in consumer products. Because EPA does not wish to collect information about worker exposure during manufacture and processing, § 721.575(b)(3) specifies that submitters must complete only those sections of the form dealing with the chemical identity, the submitter, and the specific use. In addition, any health and safety data relating to these substances must be attached. Therefore, submitters must complete only Parts I and III of the form as it appears in Appendix A to 40 CFR Part 720.

X. Test Data

EPA recognizes that under TSCA section 5, a person is not required to develop any particular test data before submitting a significant new use notice. Rather, a person is required only to submit test data in his possession or control and to describe any other data known to or reasonable ascertainable by that person. However, in view of the potential health risk that may be posed by the significant new use of P-82-400 and P-82-409, EPA encourages possible SNUR notice submitters to test the substances to evaluate the potential for skin and eye irritation at the concentrations the submitters propose to use in consumer products. If a SNUR notice is submitted for a significant new use involving consumer exposure without such test data, EPA would very likely take action under section 5(e).

As part of an optional prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the substances. Data should be developed and submitted in accordance with the TSCA good laboratory practices regulations under 40 CFR Part 792 published in the **Federal Register** of November 29, 1983 (48 FR 53922). EPA encourages persons to consult with the agency before selecting a protocol for testing the substances.

XI. Exemptions

Section 721.19 contains an exemption, not in the proposal, for substances manufactured, imported, or processed only as an impurity or as a byproduct for certain purposes. EPA has decided not to modify this general provision for these particular substances. Therefore, if the substances appear in a consumer product only as an impurity, or are produced as a byproduct, and meet the requirements of § 721.19, they are not subject to SNUR notice requirements. The Agency is adopting this policy because identification of the presence of the substances when used as an impurity can be very difficult and because the agency does not believe that these substances would give rise to significant exposures if they appear as an impurity. The limited byproduct exemption would not give rise to consumer exposure. The Agency has also decided to exempt these substances from significant new use reporting if they are imported or processed as part of an article. This decision was made in response to a comment received on this issue and because the identified risks from uses of these substances in articles are not likely to occur.

XII. Relationship of Section 5(e) Order and SNUR

The original PMN submitter for P-82-400 and P-82-409 is subject to a TSCA section 5(e) consent order which prohibits it from manufacturing, processing, or distributing these substances in commerce for use as a consumer chemical. Once this SNUR goes into effect, the submitter will also be subject to the SNUR. Since the SNUR prevents any manufacturer, importer, or processor from engaging in the significant new use without notice to EPA, EPA has determined that it is no longer necessary to continue the section 5(e) consent order. Accordingly, once the SNUR goes into effect, EPA will revoke the section 5(e) consent order thereby leaving the original submitter subject to the same requirements as other persons.

XIII. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for P-82-400 and P-82-409. This evaluation is summarized below.

Persons who intend to manufacture, import, or process the substances for the significant new use, as defined in this rule, would be required to submit a SNUR notice with the information required by statute and this rule. The cost of submitting a SNUR notice can be estimated from the cost of submitting a PMN, which has been estimated to range between $1,300 and $7,500 per substance. However, because this rule requires that only a portion of the PMN form be completed, costs may actually be lower.

Although the SNUR does not require that persons submitting notices perform additional testing, EPA expects that some additional test data will be developed. EPA recommends that the substances be tested to evaluate the potential for skin and eye irritation at the concentrations at which they will be found in consumer products. The direct

costs of such tests would be about $1,600 per substance. The dermal irritation test would cost from $300 to $1,000, with a most likely cost of $700. The eye irritation test would cost from $450 to $1,350, with a most likely cost of $900.

The SNUR may also result in delay costs. The delay caused by the preparation of a SNUR notice and the statutory notice review period could reduce future profits. EPA estimates that these delay costs could range from zero to $6,128.

Total direct costs, including notification, testing, and delay, would range from $2,100 to $16,078 per substance. It the original PMN submitter also intends to undertake the significant new use, the direct costs could add from less than 0.1 percent to 3.5 percent to the estimated price of the substances.

EPA has not estimated any indirect costs that may result from this SNUR. Indirect costs may result from decisions not to manufacture cr process these substances because of uncertainty about possible Agency regulatory action or due to the magnitude of the direct costs. The cost of this impact would be whatever profits or benefits to consumers that use of the substances would have generated. In addition, EPA has not estimated the potential public benefits gained through the avoidance of potential health and environmental problems. While the Agency acknowledges that indirect costs and benefits exist, it is impossible at this time to precisely estimate their extent.

A more complete economic analysis of this SNUR and other regulatory options is included in the rulemaking record and is available for public review.

XIV. Judicial Review

Judicial review of this final rule may be available under section 19 of TSCA in the United States Courts of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has his/her principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judical review and to avoid so called "races to the courthouse," EPA has decided to promulgate this rule for purposes of judicial review two weeks after publication in the **Federal Register**, as reflected in **"DATES"** in this document. The effective date has, in turn, been calculated from the promulgation date.

XV. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50501A). The complete record is available to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays in the OPTS Reading Room, Rm. E–107, 401 M St., SW., Washington, D.C.

The record includes basic information considered by the Agency in developing this rule. The record includes the following:

1. The PMNs for these substances.
2. The **Federal Register** notice of receipt of the PMNs.
3. A copy of the section 5(e) consent order.
4. The economic analysis of the proposed rule.
5. Test data received from the PMN submitter.
6. Public comments.
7. OMB comments.

XVI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "Major Rule" because it does not have an effect on the economy of $100 million or more and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this rule, EPA believes the cost will be low. Even if EPA receives 50 SNUR notices, the direct cost of the rule will be under $1 million. In addition, because of the nature of the rule and the substances subject to it, EPA believes that there will be few significant new use notices submitted. Further, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation which has high potential value. Finally, this SNUR may encourage innovation in safe chemical substances or highly beneficial uses.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this rule will not have a significant economic impact on a substantial number of small businesses. EPA recognizes that the submitter of PMNs P–82–400 and P–82–409, who is also a possible submitter of a SNUR notice, is a small business. The Agency cannot determine whether other parties affected by this rule are likely to be small businesses. However, EPA believes that the number of small businesses affected by this rule would not be substantial, even if all the potential significant new uses were developed by small companies. EPA expects to receive few SNUR notices for the substances. The Agency hopes that one of the first notice submitters will test the substances to determine their potential for skin and eye irritation at concentrations greater than five percent for which SNUR reporting is required. With these data, EPA would be able to evaluate the risks posed by the substances used in consumer products and, if necessary, take action to control those risks. If test results indicate that there are no risks at a certain concentration, EPA will likely alter the reporting triggers to reflect those results. As more test data become available, reporting triggers will continue to be refined to identify those levels at which acute effects are negligible. Because uses in consumer products above levels at which consumers would suffer effects will be discouraged by responsible manufacturers, fewer businesses will be directly affected by this rule. In addition, the cost of the testing that may be encouraged by this rule should not have a major impact on a small business that may want to use these substances as in consumer products.

C. Paperwork Reduction Act

The information reporting requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2070–0012.

List of Subjects in 40 CFR Part 721

Intergovernmental relations, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: August 27, 1984.

William D. Ruckelshaus,

Administrator.

Therefore, a new Part 721 is added to 40 CFR Chapter I, to read as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

Subpart A—General Provisions

Sec.

721.1 Scope and applicability.
721.3 Definitions.
721.5 Persons who must report.
721.6 Applicability determination when the specific chemical identity is confidential.
721.7 Exports and imports.

721.10 Notice requirements and procedures.
721.13 Compliance and enforcement.
721.17 Recordkeeping.
721.19 Exemptions.

Subpart B—Significant New Uses of Specific Chemical Substances

721.575 Potassium N,N-bis (hydroxyethyl) cocoamine oxide phosphate and potassium N,N-bis (hydroxyethyl) tallowamine oxide phosphate.

Authority: Secs. 5, 8; Pub. L. 94-469; 90 Stat. 2003, 2027 (15 U.S.C. 2601 *et seq.*).

Subpart A—General Provisions

§ 721.1 Scope and applicability.

(a) This part identifies uses of chemical substances which EPA has determined are significant new uses under the authority of section 5(a)(2) of the Toxic Substances Control Act. In addition, it specifies procedures for manufacturers, importers, and processors to report on those significant new uses. This Subpart A contains general provisions applicable to this Part. The chemical substances and significant new uses subject to this Part are identified in Subpart B.

(b) This Subpart A contains provisions governing submission and review of notices for the chemical substances and significant new uses identified in Subpart B of this Part. The provisions of this Subpart A apply to the chemical substances and significant new uses identified in Subpart B of this Part except to the extent they are specifically modified or supplanted by specific requirements in Subpart B. In the event of a conflict between the provisions of this Subpart A and the provisions of Subpart B of this Part, the provisions of Subpart B shall govern.

(c) The provisions of Part 720 of this chapter apply to this Part 721. For purposes of this Part 721, wherever the phrase "new chemical substance" appears in Part 720 of this Chapter, it shall mean the chemical substance subject to this Part 721. In the event of a conflict between the provisions of Part 720 of this chapter and the provisions of this Part 721, the provisions of this Part 721 shall govern.

§ 721.3 Definitions.

The definitions in section 3 of the Act, 15 U.S.C. 2602, and § 720.3 of this chapter apply to this part. In addition, the following definitions apply to this Part:

"CAS Number" means Chemical Abstracts Service Registry Number assigned to a chemical substance on the Inventory.

"Customer" means any person to whom a manufacturer, importer, or processor distributes any quantity of a chemical substance, or of a mixture containing the chemical substance, whether or not a sale is involved.

"Principal importer" means the first importer who, knowing that a chemical substance will be imported for a significant new use rather than manufactured domestically, specifies the chemical substance and the amount to be imported. Only persons who are incorporated, licensed, or doing business in the United States may be principal importers.

"Process for commercial purposes" means the preparation of a chemical substance or mixture containing the chemical substance, after manufacture of the substance, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture containing the chemical substance is included in this definition. If a chemical substance or mixture containing impurities is processed for commercial purposes, then the impurities also are processed for commercial purposes.

"Process solely for export" means to process for commercial purposes solely for export from the United States under the following restriction on domestic activity: Processing must be performed at sites under the control of the processor; distribution in commerce is limited to purposes of export; and the processor may not use the chemical substance except in small quantities solely for research and development.

§ 721.5 Persons who must report.

(a) The following persons must submit a significant new use notice as specified under the provisions of section 5(a)(1)(B) of the Act, Part 720 of this chapter, and § 721.10.

(1) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in Subpart B of this Part, and intends to engage in a significant new use of the substance identified in Subpart B.

(2) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in Subpart B of this Part, and intends to distribute the substance in commerce. A person described in this paragraph is not required to submit a significant new use notice if that person (i) does not have a reasonable belief, at the time of commercial distribution of the chemical substance, that his/her customers intend to engage in a significant new use of that substance without submitting a notice under this Part, and (ii) can document that the person has notified all customers, in writing, of the specific section in Subpart B of this Part which identifies the substance and the significant new uses subject to this Part.

(b) A person who processes a chemical substance identified in Subpart B of this part for a significant new use of that substance is not required to submit a significant new use notice if that person can document that it has processed the chemical substance with a reasonable belief that the substance is not identified in Subpart B of this Part.

(c) If at any time after commencing distribution in commerce of a chemical substance identified in Subpart B of this part a person described in paragraph (a)(2) of this section has a reasonable belief that a customer is engaging in a significant new use of that substance identified in Subpart B without submitting a notice under this Part, the person is required to submit a significant new use notice for that chemical substance and significant new use, unless the person is able to document that it has done the following:

(1) Ceased supplying the chemical substance to the customer when the person has a reasonable belief that the customer is processing the substance for a significant new use without submitting a notice under this Part,

(2) Notified EPA enforcement authorities of the person's reasonable belief that the customer is processing the chemical substance for a significant new use without submitting a notice under this Part, promptly upon reaching that belief, and

(3) Not resumed supplying the chemical substance to the customer until all notices required under this Part have been submitted to EPA and the notice review periods have ended without regulatory action by EPA.

(d) Any notice of import must be submitted by the principal importer.

§ 721.6 Applicability determination when the specific chemical identity is confidential.

(a) A person who intends to manufacture, import, or process a chemical substance which is described by a generic chemical name in Subpart B of this Part may ask EPA whether the substance is subject to the requirements of this Part. EPA will answer such an inquiry only if EPA determines that the person has a *bona fide* intent to manufacture, import, or process the chemical substance for commercial purposes.

(b) To establish a *bona fide* intent to manufacture, import, of process a

chemical substance, the person who intends to manufacture, import, or process the chemical substance must submit the following in writing to the Office of Toxic Substances, TS-799, 401 M St. SW., Washington, D.C. 20460:

(1) The specific chemical identity of the chemical substance that the person intends to manufacture, import, or process.

(2) A signed statement that the person intends to manufacture, import, or process the chemical substance for commercial purposes.

(3) A description of the research and development activities conducted to date, and the purpose for which the person will manufacture, import, or process the chemical substance.

(4) An elemental analysis.

(5) Either an X-ray diffraction pattern (for inorganic substances), a mass spectrum (for most other substances), or an infrared spectrum of the particular chemical substance, or, if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance.

(c) If an importer or processor cannot provide all the information required in paragraph (b) of this section because it is claimed as confidential business information by the importer's or processor's manufacturer or supplier, the manufacturer or supplier may supply the information directly to EPA.

(d) EPA will review the information submitted by the manufacturer, importer, or processor under paragraph (b) of this section to determine whether that person has shown a *bona fide* intent to manufacture, import, or process the chemical substance. If necessary, EPA will compare this information either to the information requested for the confidential chemical substance under § 710.7(e)(2)(v) of this chapter or the information requested under § 720.85(b)(3)(iii) of this chapter.

(e) If the manufacturer, importer, or processor has shown a *bona fide* intent to manufacture, import, or process the substance and has provided sufficient unambiguous chemical identity information to enable EPA to make a conclusive determination as to the identity of the substance, EPA will inform the manufacturer, importer, or processor whether the chemical substance is subject to this Part and, if so, which section in Subpart B of this part applies.

(f) A disclosure to a person with a *bona fide* intent to manufacture, import, or process a particular chemical substance that the substance is subject to this Part will not be considered public disclosure of confidential business information under section 14 of the Act.

(g) EPA will answer an inquiry on whether a particular chemical substance is subject to this part within 30 days after receipt of a complete submission under paragraph (b) of this section.

§ 721.7 Exports and imports.

The chemical substances identified in Subpart B of this Part are subject to the export notification requirements of section 12(b) of the Act and Part 707 of this chapter. The substances also are subject to import certification requirements in 19 CFR 12.118 through 12.127 and 127.28 under the authority of section 13 of the Act. The EPA policy in support of the import certification requirements is set forth in Part 707 of this chapter.

§ 721.10 Notice requirements and procedures.

(a) Each person who is required to submit a significant new use notice under this part must submit the notice at least 90 calendar days before commencing manufacture, import, or processing of a chemical substance identified in Subpart B of this Part for a significant new use. The submitter must comply with any applicable requirement of section 5(b) of the Act, and the notice must include the information and test data specified in section 5(d)(1) of the Act. The notice must be submitted on the notice form in Appendix A to Part 720 of this chapter and must comply with the requirements of Part 720, except to the extent that they are inconsistent with this Part 721.

(b) If two or more persons are required to submit a significant new use notice for the same chemical substance and significant new use identified in Subpart B of this part, they may submit a joint notice to EPA. Persons submitting a joint notice must individually complete the certification section of Part I of the required notification form. Persons who are required to submit individually, but elect to submit jointly, remain individually liable for the failure to submit required information which is known to or reasonably ascertainable by them and test data in their possession or control.

(c) EPA will process the notice in accordance with the procedures of Part 720 of this chapter, except to the extent they are inconsistent with this Part 721.

(d) Any person submitting a significant new use notice in response to the requirements of this Part 721 shall not commence manufacture, import, or processing of a chemical substance identified in Subpart B of this Part for a significant new use until the notice review period, including all extensions and suspensions, has expired.

§ 721.13 Compliance and enforcement.

(a) Failure to comply with any provision of this Part is a violation of section 15(1) of the Act (15 U.S.C. 2614).

(b) Using for commercial purposes a chemical substance which a person knew or had reason to know was manufactured, imported, or processed in violation of this part is a violation of section 15(2) of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit access to or copying of records, as required by section 11 of the Act, is a violation of section 15(3) of the Act (15 U.S.C. 2614).

(d) Failure or refusal to permit entry or inspection, as required by section 11 of the Act, is a violation of section 15(4) of the Act (15 U.S.C. 2614).

(e) Violators of the Act or of this Part may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation. The submission of false or misleading information in connection with the requirement of any provision of this Part may subject persons to penalties calculated as if they never filed a notice.

(f) Under the authority of sections 7 and 17 of TSCA, EPA may:

(1) Seek to enjoin the manufacture, import, or processing of a chemical substance in violation of this part.

(2) Act to seize any chemical substance which is being manufactured, imported, or processed in violation of this Part.

(3) Take any other appropriate action.

§ 721.17 Recordkeeping.

Any person subject to the requirements of this part must retain documentation of information contained in that person's significant new use notice. This documentation must be maintained for a period of five years from the date of the submission of the significant new use notice.

§ 721.19 Exemptions.

The persons identified in § 721.5 are not subject to the notification requirements of § 721.10 for a chemical substance identified in Subpart B of this part if:

(a) The person has applied for and has been granted an exemption for test marketing the substance for a significant new use identified in Subpart B in accordance with section 5(h)(1) of the Act and § 720.38 of this chapter.

(b) The person manufactures, imports, or processes the substance in small quantities solely for research and development in accordance with section 5(h)(3) of the Act.

(c) The person has applied for and been granted an exemption under section 5(h)(5) of the Act.

(d) The person manufactures, imports, or processes the substance only as an impurity.

(e) The person manufactures, imports, or processes the substance only as a byproduct which is used only by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes.

(f) The person imports or processes the substance as part of an article.

(g) The person manufactures or processes the substance solely for export and, when distributing the substance in commerce, labels the substance in accordance with section 12(a)(1)(B) of the Act.

Subpart B—Significant New Uses for Specific Chemical Substances

§ 721.575 Potassium N,N-bis (hydroxyethyl) cocoamine oxide phosphate, and potassium N,N-bis (hydroxyethyl) tallowamine oxide phosphate.

(a) *Chemical substances and significant new use subject to reporting.* (1) The following chemical substances, identified by their chemical names and CAS Number are subject to reporting under this Part for the significant new use identified in paragraph (a)(2) of this section: Potassium N,N-bis (hydroxyethyl) cocoamine oxide phosphate (CAS Number 855712-26-1), and potassium N,N-bis (hydroxyethyl) tallowamine oxide phosphate (CAS Number 855712-27-2).

(2) The significant new use is: Use in a consumer product at concentrations greater than five percent by weight.

(b) *Specific Requirements.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Definitions.* In addition to the definitions in § 721.3, the following definitions apply to this section:

"Consumer" means any natural person who uses products for personal rather than business purposes.

"Consumer product" means any chemical substance which is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreation.

(2) *Persons who must report.* The provisions of § 721.5 apply to determine persons who must report under this section, except § 721.5(a)(2) does not apply to a person who intends to distribute either of the substances in commerce as part of a mixture at concentrations of five percent or less by weight of the mixture.

(3) *Notice requirements and procedures.* Section 721.10 applies to this section, except a person submitting a notice must complete only Parts I and II of the notice form.

[FR Doc. 84-23423 Filed 9-4-84; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 31220-245]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Mid-Atlantic Area closure.

SUMMARY: NOAA issues this notice closing the mid-Atlantic surf clam fishery. The action is necessary because harvest from the fishery will exceed the quarterly quota for the third calender quarter. The intended effect of the closure is to prevent harvests from exceeding the annual quota for the fishery.

EFFECTIVE DATES: 0001 hours Eastern Daylight Time (EDT) September 16, 1984, through 2400 hours EDT September 29, 1984.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, Surf Clam Management Coordinator, 617-281-2600, ext. 324.

SUPPLEMENTARY INFORMATION: The regulations implementing Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries were published on January 29, 1982 (47 FR 4268). The regulations contain at § 652.22(d) a provision requiring that, if the Regional Director determines the quota for surf clams for any time period will be exceeded, the Secretary of Commerce will publish a notice in the **Federal Register** stating the determination and setting a date and time for closure of the fishery.

Harvest of surf clams in the Mid-Atlantic Area has been significantly higher during 1984 than in previous years. This is probably because significant numbers of surf clams from the strong 1976 and 1977 year classes are now reaching the minimum legal size for harvest, thus elevating catch per hour fished. On February 26, 1984 (49 FR 6498, February 22, 1984), the Regional Director reduced allowable fishing time from 24 to 12 hours per week in an attempt to control harvest rates. Despite this reduction, and a two-week closure at the end of the second calendar quarter (49 FR 23355, June 6, 1984), rates continue to exceed quarterly quota guidelines. The Regional Director has determined that the Mid-Atlantic Area surf clam quota for the third calendar quarter of 1984 will be reached on or about August 31, 1984. Following consultation with industry spokespersons and the Mid-Atlantic Fishery Management Council, the regional Director has determined to close the mid-Atlantic fishery for the period from September 16, 1984, through September 29, 1984.

Closure of the fishery will commence at 0001 hours EDT on September 16, 1984. The fishery will remain closed until 2400 hours EDT on September 29, 1984. This closure applies only to surf clams taken in the fishery conservation zone in the Mid-Atlantic Area.

The fishery will reopen at 0001 hours EDT on September 30, 1984, with 12 hours fishing time per week. At that time, the Regional Director will evaluate the status of the fishery and quotas. If additional closure periods are required to bring harvests down to the level provided by the quotas, they will be considered for later in the year.

Other Matters

This action is taken under the authority of 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 652

Fisheries.

Dated: August 29, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-23428 Filed 9-4-84; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 173
Wednesday, September 5, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. AO-83-1]

Kiwifruit Grown in California; Decision on Proposed Marketing Agreement and Order

Correction

In FR Doc. 84-22583 beginning on page 33670 in the issue of Friday, August 24, 1984, make the following corrections:

1. On page 33685, first column, first complete paragraph, line twelve, "agreed" should read "argued".

§ 920.12 [Corrected]

2. On page 33686, first column, § 920.12(b), first line, "District 1" should read "District 2".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Parts 112 and 113

[Docket No. 84-046]

Viruses, Serums, Toxins, and Analogous Products; Packaging and Labeling and Standard Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: A conference was held recently to review regulatory control over Rabies Vaccines. This conference included representatives of the animal industry, professional organizations, biologics manufacturers, and Federal and State agencies involved with rabies control. A number of changes in the parts of Title 9, Code of Federal Regulations, related to Rabies Vaccines were proposed. The Department agreed to consider many of these and to publish them as proposed rulemaking. Special label provisions for Rabies Vaccines as well as other products are prescribed in 9 CFR 112.7. In order to reduce the burden of preparing more than one proposal regarding revisions of that section, a complete review of the section was made. This action would amend the special labeling requirements for Rabies Vaccines as well as other products by deleting or revising various provisions which have been determined to be obsolete or unnecessary. The Standard Requirements in Part 113 of Title 9 for Rabies Vaccines would also be revised to eliminate certain restrictions and testing steps.

DATE: Comments must be received on or before November 5, 1984.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. David F. Long, Chief Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 834, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8674.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This proposed rule contains no new or amended recordkeeping, reporting or application requirements or any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 to implement Executive Order 12291 and has been classified as a "Nonmajor Rule."

The proposed rule would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing.

Background

At the time 9 CFR 112.7(b) was published, protection against specific serotypes of avian infectious bronchitis could only be achieved by including each specific serotype in the product. With the advent of new production methods, it may not be necessary in the future to use specific serotypes to ensure protection. It will remain essential to have label information to indicate the serotypes for which protection is claimed. Revision of 9 CFR 112.7(b) by changing from "serotypes used" to "serotypes for which protection is claimed" is proposed.

Presently, inactivated Rabies Vaccines labels and enclosures are required to contain recommendations for intramuscular administration at one site in the thigh. This requirement was thought to be necessary to ensure effectiveness and to guard against improper use of vaccines by providing for a single method of administration. New inactivated products are now available which are known to be equally effective when administered by other, more desirable routes. Adequate instructions and controls have been developed to ensure proper administration of Rabies Vaccine. Therefore, the proposed revision of 9 CFR 112.7(c)(1) would delete the requirement for the recommendation that inactivated Rabies Vaccines be administered intramuscularly at one site in the thigh.

Because of minor variations in conducting immunogenicity and duration of immunity tests on Rabies Vaccines and because of individual choices of language by licensees, variations in recommended dosage and immunization schedules have arisen.

These variations have resulted in difficulties for administrators of State and local regulatory programs for rabies control. In a conference involving licensed manufacturers, Federal, State, and local regulatory authorities, and interested scientists agreement was reached on uniform language which would result in more adequate label recommendations. As a result of such agreement, the Department proposes these revisions of 9 CFR 112.7 (c)(2) and (d)(6) which would provide for uniform age and repeat dose recommendations. In the Department's opinion this would not result in improper use of licensed Rabies Vaccines.

Label requirements in 9 CFR 112.7 (c)(4) and (d)(1) contain recommendations for annual revaccination with Rabies Vaccines in high risk areas. This recommendation is now considered unnecessary. Animals vaccinated with products shown to confer immunity for more than 1 year have not been shown to be more susceptible to rabies after 1 year than those revaccinated annually. Inclusion of this provision on the labels has been the source of considerable difficulty in areas where an increased incidence of rabies exists in wild species. Varying interpretations of "high risk areas" tended to interfere with rabies control by State and local health authorities. This proposed revision of 9 CFR 112.7 (c) and (d) would delete this recommendation.

The requirement for a label statement regarding accidental human exposure to modified live virus Rabies Vaccine in 9 CFR 112.7(d)(5) is probably insufficient to ensure that all users will be adequately warned. Although all currently approved labeling contains the warning, the regulation does not apply to cartons containing one multiple dose container where no enclosure is provided. This proposed revision would require prominent placement of the warning on all cartons and enclosures, regardless of size of the container.

The specific repeat dose requirements in 9 CFR 112.7(f) applicable to aqueous and adjuvanted inactivated bacterial products in general, as well as to specific fractions in 9 CFR 112.7(f) (1) and (3) have been found inappropriate in the case of certain products either prepared by advanced methods or from different ingredients, or both, and administered pursuant to new husbandry practices. This proposed revision would delete the requirements for a repeat dose at 7 days for aqueous products and at 14 days for adjuvanted products. The special requirements for *Clostridium chauvoei, septicum,* and *novyi* fractions would also be deleted. Appropriate recommendations would be required to be included on labels in accordance with specific characteristics of each product and conditions surrounding its use. Paragraphs would be renumbered accordingly.

Substantial concern for human safety existed when the restrictions on the route of administration for Marek's Disease Vaccine in 9 CFR 112.7(k) were introduced. Procedures using spray equipment were under investigation at several research institutions without adequate knowledge of public health implications. As a result, recommendations were limited to subcutaneous or intramuscular routes. Subsequently, substantial information has been obtained indicating that these viruses are not implicated in human disease. Newer methods of administration are being evaluated and should be approved if they are shown to be safe and effective. Therefore, this restriction is proposed to be deleted. The paragraph currently identified as (l) would be redesignated as (k).

The alternate statement regarding corneal opacity in 9 CFR 112.7(m) has resulted in frequent misunderstanding and is unnecessary. Corneal opacity may occur as an event not related to vaccination. When it occurs coincidentially with administration of vaccine, even though the vaccine is not at fault, the alternate statement may be misunderstood. This proposed revision would redesignate 9 CFR 112.7(m) as (l), would require a warning statement only where adequate data had not been filed, and would delete the requirement for the alternate statement in cases where adequate data were filed.

The immunogenicity and duration of immunity tests necessary for evaluation of Rabies Vaccine require 15 to 39 months to conclude. In some tests, even under excellent conditions and care, deaths of test animals occur during the prechallenge period. In order to ensure that a suitable number of test subjects are available for challenge, some manufacturers have found it necessary to include extra test animals at the time of vaccination. To prevent compromising the test results, it is essential that all animals be challenged. Proposed revision of 9 CFR 113.129(b)(3)(i) and 113.147(b)(3)(i) would remove the upper limit of 30 vaccinates. Revision of 9 CFR 113.129(b)(3)(ii) and 113.147(b)(3)(ii) would permit use of more than 10 controls. The basic number of vaccinates required to survive the challenge would remain at 22 of 25 or 26 of 30 but provisions for acceptance of equivalent result would be added. In order to ensure that other aspects of the studies are conducted and product evaluations made in a manner which will support licensure and acceptance for use in rabies control programs, it is essential that a protocol be approved before such tests of Rabies Vaccines are initiated. This proposed revision would change 9 CFR 113.129(b) and 113.147(b) to require submission of a protocol for each immunogenicity test of Rabies Vaccine.

Rabies Vaccines are vitally important to animal and public health. When in combination with other fractions, freedom from interference with the establishment of protection from rabies by presence of the other fractions is essential. These proposed revisions of 9 CFR 113.129(b) and 113.147(b) would codify the requirement that the Rabies Vaccine component in combination with other fractions provide the same protective value established for single fraction Rabies Vaccines.

Rabies Vaccine, Killed Virus, can be prepared so that administration by routes other than intramuscularly will provide protection which is at least equal to that obtained by intramuscular administration. These other routes are frequently less painful and less difficult to administer. Acceptance of vaccines administered by other routes in the past was resisted because of a desire on the part regulatory officials to have all vaccines administered by a single uniform method. This restriction has since been shown to be unnecessary because of better instructions, information, and controls. This proposed revision of 9 CFR 113.129(b)(3)(i) would permit administration by any method shown to safety provide adequate protection.

Measurement of serological response in test animals administered Rabies Vaccine is required six times during the prechallenge period. Adequate evaluation of serological response can be determined when this is reduced to five times. This proposed revision of 9 CFR 113.129(b)(3)(iii) and 113.147(b)(3)(iii) would delete the requirements for these determinations at 60 days postvaccination and would, therefore, eliminate one measurement of the present six.

The regulation in 9 CFR 113.129(b)(1) makes reference to the NIH Test in Chapter 33 of "Laboratory Techniques in Rabies." The test, as described in that publication, specifies that the challenge does contain between 5 and 50 LD_{50}. However, this is not clearly stated and, as a result, some manufacturers have failed to observe this restriction. This

proposed revision would add clarifying language in 9 CFR 113.129(b)(1) to ensure that tests are run correctly.

The regulations in 9 CFR 113.129(b)(3)(iv) and 113.147(b)(3)(iii) require challenge using street virus and injection in the masseter muscles is recommended. These reqirements tend to preclude use of equally effective challenges which might not be considered to be street virus. These requirements also preclude equally effective and simpler methods of administration into muscles other than the Masseter. These proposed revisions would provide for use of challenge virus to be furnished or approved by Veterinary Services and would delete the Masseter muscle recommendation.

The requirement for observation of animals during the postchallenge period in accordance with 9 CFR 113.5(b) has been found to be inadequate. In order to ensure the validity of test results, specific tests to ascertain that deaths of test animals are due to rabies by examination of brain material for the presence of rabies virus is considered necessary. Therefore, this proposed revision would add a fluorescent antibody examination of brain tissue to ensure that deaths from challenge are due to rabies. Currently licensed products have been adequately evaluated and would not be affected by this revision.

The regulations in 9 CFR 113.129(b)(4) and 9 CFR 113.147(b)(4) provide for reduced numbers of certain species of animals to be challenged in immunogenicity tests. Reduction is permitted only for cattle, horses, sheep, and goats. Because of widespread need and interest in products to protect many species from rabies, it may become necessary to evaluate Rabies Vaccines in animals not considered at the time when this Standard Requirement was established. Some of these species present problems similar to those associated with challenge of those currently excluded. This proposed revision would allow for the reduction of test animals when domestic species other than dogs and cats are challenged. It would also allow for more adequate selection of vaccinates to be challenged by considering SN titers at the last two bleedings instead of restricting the selection only from those lowest at the last bleeding. This proposed revision would change the serological response considered to be sufficient to ensure protection from challenge. These proposed values are based on serology and challenge results involving over 900 animals. These studies demonstrated that titers of 1:10 by the mouse SN test or 1:16 by the rapid fluorescent focus inhibition test are necessary to ensure protection. The rapid fluorescent focus inhibition test, which was not available when present regulations were published, would be added as an alternative method for determining serological response. This method uses an *in vitro* test instead of mice in determining serological response with equal assurance of accuracy.

The regulations in 9 CFR 113.147(a)(5)(ii) specify a 1.0 ml volume of high titer virus for the nerve infiltration safety study. This could result in inadequate or in excessive virus being used because of variations in the titer inherent in various products. This revision would standardize the amount by specifying the equivalent of 10 doses for cats and dogs and to one dose per site in other species.

Alternatives

The alternatives considered are:

1. *Not amend the regulations.* This would result in retention of obsolete and unnecessary label restrictions. Unneeded restrictions and excess testing steps would continue in the Standard Requirements for Rabies Vaccines. Therefore, this alternative was not chosen.

2. *Amend the regulations.* This would result in more meaningful label requirements, deletion of unnecessary restrictions, and elimination of excessive testing steps. Therefore, this alternative was accepted.

List of Subjects in 39 CFR Part 113

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Transportation.

PART 112—PACKAGING AND LABELING

Section 112.7, paragraphs (c) (1) and (2), (d), (f), (k) and (l) would be revised to read:

§ 112.7 Special additional requirements.

* * * * *

(c) * * *

(1) That vaccine be administered to animals at 3 months of age or older, with a repeat dose 1 year later.

(2) Subsequent revaccination as determined from the results of duration of immunity studies conducted as prescribed in § 113.129 (b) or (c) or both.

(d) In the case of a biological product containing modified live rabies virus, the carton labels, enclosures, and all but very small final container labels shall include the recommendations provided in this paragraph.

(1) For low egg-passage (below the 180th egg-passage level) the statement "For Use In Dogs Only! Not For Use In Any Other Animal!"

(2) For other vaccines containing modified live rabies virus, the statement "For Use In (designate animal(s)) Only! Not For Use In Any Other Animal!"

(3) Intramuscular injection at one site in the thigh shall be recommended.

(4) The statement "In event of accidental exposure to the vaccine virus, the possible hazard to human health should be considered and State Public Health Officials should be consulted for specific recommendations "shall be prominently placed on all carton labels and on enclosures, if used.

(5) That vaccine be administered to animals at 3 months of age or older, with a repeat dose 1 year later.

(6) Subsequent revaccination as determined from the results of the duration of immunity studies conducted as prescribed in § 113.147 (b) or (c) or both.

* * * * *

(f) Unless otherwise authorized in a filed Outline of Production, labels for inactivated bacterial products shall contain an unqualified recommendation for a dose to accomplish primary immunization to be given at an appropriate time interval: *Provided,* That, repeat dose recommendations prescribed in paragraphs (f) (1) through (3) of this section are required for products containing the fractions listed.

(1) *Clostridium haemolyticum.* "Repeat the dose every 5 or 6 months in animals subject to reexposure."

(2) *Erysipelothrix rhusiopathiae.* "Swine: For breeding animals, repeat after 21 days and annually. Turkeys: Repeat dose every 3 months."

(3) *Clostridium botulinum Type C.* "Revaccinate breeders 1 month before breeding."

* * * * *

(k) In the case of normal serum, antiserum, or antiserum derivatives, the type of preservative used shall be indicated on all labels.

(l) Unless acceptable data has been filed with Veterinary Services, to show that developement or corneal opacity is not associated with the product, carton labels and enclosures used with biological products containing modified live canine hepatitis virus or modified live canine adenovirus Type 2 shall bear the following statement: "Occasionally, transient corneal opacity may occur following the administration of the product."

PART 113—STANDARD REQUIREMENTS

Section 113.129 introductory paragraph (b), (b)(1), (b)(3) (i) through (v), and (b)(4) would be revised to read:

§ 113.129 Rabies Vaccine, Killed Virus.

* * * * *

(b) The immunogenicity of vaccine prepared with virus at the highest passage from the Master Seed shall be established in each species for which the vaccine is recommended. Tests shall be conducted in accordance with a protocol filed with Veterinary Services before initiation of the tests. The vaccine shall be prepared using methods prescribed in the Outline of Production. If Rabies Vaccine is to be in combination with other fractions, the product to be tested shall include all fractions to be recommended.

(1) The preinactivation virus titer shall be established as soon as possible after harvest by at least five separate virus titrations. A mean relative potency value of the vaccine to be used in the host animal potency test shall be established by at least five replicated potency tests conducted in accordance with the NIH Test For Potency in Chapter 33 of "Laboratory Techniques in Rabies," Third Edition (1973), World Health Organization, Geneva. The volumetric method of calculation, as described in this publication, shall be used and the challenge dose shall contain between 5 and 50 LD_{50}. The provisions of "Laboratory Techniques in Rabies," Third Edition (1973), incorporate by reference and are the minimum standards for achieving compliance with this section.

* * * * *

(3) * * *

(i) Twenty-five or more animals shall be used as vaccinates. Each shall be administered a dose of vaccine at the proposed minimum potency level and by the method specified in the Outline of Production.

(ii) Ten or more additional animals shall be held as controls.

(iii) On or about 30, 90, 180, 270, and 365 days postvaccination, all test animals shall be bled and individual serum samples tested for neutralizing antibodies to rabies virus.

(iv) All surviving test animals shall be challenged intramuscularly with virulent rabies virus furnished or approved by Veterinary Services 1 year after vaccinations, except as provided in (b)(4) of this section. The challenged animals shall be observed each day for 90 days as prescribed in § 113.5(b). The brain of each test animal that dies following challenge shall be examined for rabies by the fluorescent antibody test.

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22 of 25 or 26 of 30 or a statistically equivalent number of the vaccinates remain well for a period of 90 days.

(4) When animals of domestic species other than dogs and cats are the test animals, the five vaccinates with the lowest SN titers at each of the last two bleedings may be challenged, except that all vaccinates with SN titers below 1:10 by the mouse SN test or below 1:16 by the rapid fluorescent focus inhibition test at any bleeding shall be challenged at 1 year postvaccination. At leat five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be determined to an endpoint. The unchallenged vaccinates shall be considered protected when evaluated for acceptance as specified in (b)(3)(v) of this section.

* * * * *

Section 113.147 paragraphs (a)(5)(ii), introductory paragraph (b), (b)(3) (i) through (v), and (b)(4) would be revised to read:

§ 113.147 Rabies Vaccine.

* * * * *

(a) * * *

(5) * * *

(ii) Infiltrate a major nerve of each of the animals in the other group of 5 with 10 doses of the same high titer virus. For all species except dogs and cats, multiple injections along the cervical spine in the proximity to the nerve trunks emerging from the spinal cord may be used: *Provided*, That a 1-dose volume shall be injected into each of four or more sites bilaterally.

* * * * *

(b) The immunogenicity of vaccine prepared with virus at the highest passage of the Master Seed shall be established in each species for which the vaccine is recommended. Tests shall be conducted in accordance with a protocol filed with Veterinary Services before initiation of the tests. The vaccine shall be prepared using methods prescribed in the Outline of Production. If Rabies Vaccine is to be in combination with other fractions, the product tested shall include all fractions to be recommended.

* * * * *

(3) * * *

(i) Twenty-five or more animals shall be used as vaccinates. Each shall be injected intramuscularly at one site in the thigh with a dose of vaccine at the proposed minimum virus titer as specified in the filed Outline of Production.

(ii) Ten or more additional animals shall be held as controls.

(iii) On or about days 30, 90, 180, 270, and 365 postvaccination, all animals shall be bled and individual serums tested for neutralizing antibodies to rabies virus.

(iv) All surviving test animals of each species shall be challenged intramuscularly with virulent rabies virus furnished or approved by Veterinary Services 1 year after vaccination, except as provided in paragraphs (b)(4), (b)(5), and (b)(6), of this section. The challenged animals shall be observed each day for 90 days as prescribed in § 113.5(b). The brain of each test animal that dies following challenge shall be examined for rabies by the fluorescent antibody test.

(v) Requirements for acceptance in challenge tests shall be death due to rabies in at least 80 percent of the controls while at least 22 of 25 or 26 of 30 or a statistically equivalent number of the vaccinates remain well for a period of 90 days.

(4) When animals of domestic species other than dogs and cats are the test animals, the five vaccinates with the lowest SN titers at each of the last two bleedings may be challenged, except that all vaccinates with SN titers below 1:10 by mouse SN test or below 1:16 by the rapid fluorescent focus inhibition test at any bleeding shall be challenged at 1 year postvaccination. At least five SN-negative controls of each species shall be challenged at the same time as the vaccinates. All SN titers shall be determined to an endpoint. The unchallenged vaccinates shall be considered protected when evaluated for acceptance as specified in (b)(3)(v) of this section.

* * * * *

(37 Stat. 832–833 (21 U.S.C. 151–158))

Done at Washington, D.C., this 30th day of August 1984.

N.L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-23455 Filed 9-4-84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24206; Notice 84-14]

Elimination of Airport Delays

Correction

In FR Doc. 84-21984 beginning on page 33082 in the issue of Monday, August 20, 1984, make the following correction.

On page 33084, second column, last line, "LGA-0800-0595" should read "LGA-0800-0959".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Customs Regulations Amendment Relating to a Change in the Customs Service Field Organization—Hidalgo and Progreso, Texas

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The document proposes to amend the Customs Regulations to change the Customs field organization by extending and redefining the geographical limits of the ports of entry of Hidalgo and Progreso, Texas. The proposed change would enable importers, now operating produce sheds outside the port limits, to apply for a special permit for the immediate delivery for the transportation of fresh fruits and vegetables arriving from Mexico for human consumption.

DATE: Comments must be received on or before November 5, 1984.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Denise Crawford, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, Customs proposes to amend § 101.3, Customs Regulations (19 CFR 101.3), by extending and redefining the geographical limits of the ports of entry of Hidalgo and Progreso, Texas.

In the list of Customs regions, districts, and ports of entry set forth in § 101.3(b), Customs Regulations, the ports of Hidalgo and Progreso, Texas, are listed in the Laredo, Texas, Customs District in the Southwest Region. Customs has been requested to extend the geographical limits of both ports so that importers, now operating produce sheds located outside the port limits, will be able to take advantage of the privileges of § 142.21(b), Customs Regulations (19 CFR 142.21(b)). Specificially, § 142.21(b) authorizes the filing of an application with Customs for a special permit for the immediate delivery for the transportation of fresh fruits and vegetables for human consumption arriving from Canada or Mexico to the importer's premises, if within the port of importation.

After a review of the matter, Customs is proposing expanding the port limits for both Hidalgo and Progreso. These proposed boundaries were designed to accommodate all active produce sheds and to simplify the descriptions of the port limits. Customs believes these proposed boundaries will be sufficient to allow all active produce sheds the privilege of operating under § 142.21(b), Customs Regulations, without the need for further expansion in the near future. Customs also believes the existing staffs at both ports will be sufficient to accommodate any additional workload.

If the proposed changes are adopted, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations, will be amended accordingly.

Hidalgo

By E.O. 3609, dated January 9, 1922, and effective February 1, 1922, the port of Hidalgo, Texas, was established. However, the geographic limits of the port were undefined.

Under this proposal, the port limits of Hidalgo would include the following territory:

On the south, the Rio Grande River; on the east, FM (Farm to Market)-1423 from the Rio Grande River north to State Highway 107, east on State Highway 107 to FM-493 and north on FM-493 to FM-2812; on the north, FM-2812 west to U.S. Highway 281 then south on U.S. Highway 281 to FM-1925 and west on FM-1925 to FM-881; on the west, south on FM-881 to FM-492 then west on FM-492 to FM-2894; south on FM-2894 to old U.S. Highway 83; west on old U.S. Highway 83 to FM-2062; south on FM-2062 to the Rio Grande River.

Progreso

By T.D. 76-339, published in the **Federal Register** on December 16, 1976 (41 FR 54927), the geographical limits of Progreso, Texas, included the following territory:

Beginning at the intersection of Mile 9 North Road and the Cameron County and Hidalgo County line proceeding in a westerly direction along Mile 9 North Road to its intersection with Mile 6½ West Road, then proceeding in a southerly direction along Mile 6½ West Road and a continuation thereof to its intersection with the United States-Mexico international boundary, then proceeding in a easterly direction along the United States-Mexico international boundary to its intersection with the Cameron County and Hidalgo County Line, then proceeding in a northerly direction on the Cameron County and Hidalgo County Line, to its intersection with Mile 9 North Road.

The proposed change would extend the existing port limits of Progreso to include the following territory:

On the south, the Rio Grande River; on the east, the county line separating Hidalgo and Cameron Counties from the Rio Grande River north to State Highway 107; on the north, State Highway 107 west from the county line to FM (Farm to Market)-1423; and on the west, FM-1423 south from State Highway 107 to the Rio Grande River.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Authority

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp. Ch. II) and pursuant to authority provided by Treasury Department Order No. 101-5 (47 FR 2449).

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Imports, Organization.

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 proposal. Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities in the Hidalgo and Progreso, Texas, areas, it is not expected to be significant because the extension of the limits of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act. Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the amendment, if adopted, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because the proposed amendment relates to the organization of the Customs Service, pursuant to section 1(a)(3) of E.O. 12291 this proposal is not subject to the Executive Order.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William Von Raab,
Commissioner of Customs.

Approved: August 17, 1984.
John M. Walker, Jr.
Assistant Secretary of the Treasury.

[FR Doc. 84-23436 Filed 9-4-84; 8:45 am]
BILLING CODE 4820-02-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 541]

Establishment of Sonoma Mountain Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Sonoma County, California, to be known as "Sonoma Mountain." This proposal is the result of a petition submitted by Mr. David Steiner, a grape grower in the proposed area. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by October 22, 1984.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 541).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive 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.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origins.

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. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing a viticultural area in Sonoma County, California, to be known as "Sonoma Mountain." The proposed Sonoma Mountain area is entirely included within the approved Sonoma Valley and North Coast areas. The proposed Sonoma Mountain area consists of approximately 5,000 acres containing 633 acres of grapevines.

Name

Sonoma Mountain is a prominent geographical feature which has been historically known by this name. The name "Sonoma" was first given to the area by General Mariano Guadalupe Vallejo, believing that it was the Indian word for Valley of the Moon, a name applied to Sonoma Valley by the Indians. General Vallejo established the town of Sonoma in 1835. The name "Sonoma," which applies to the valley, was also applied to the range on the western side of the valley, and to the most prominent peak of that range.

Geographical Features Which Affect Viticultural Features

The proposed Sonoma Mountain area is distinguished from surrounding areas by a "thermal belt" phenomenon common on the slopes of valleys in Mediterranean climate systems. The thermal belt phenomenon, characterized by drainage of cold air and fog from the slopes to lower elevations, is manifested by lower maximum temperatures and higher minimum temperatures, year-round, than lower elevations. In the Sonoma Valley, the lowest elevation of the thermal belt is generally considered to be around 400 feet above mean sea level. At a certain high elevation, the thermal belt phenomenon would be expected to dissipate, due to the overall lowering of temperatures common at higher elevations. The upper point at

which the thermal belt climate phenomenon is overshadowed by the affect of higher elevation has not been accurately determined on Sonoma Mountain because the steep terrain of the higher elevations makes most agricultural activities impractical.

Location	Elevation (feet)	Temperature	
		Mean high temperature (°F)	Mean low temperature (°F)
Mountain Temperatures			
Steiner Vineyard	1,000	74.71	52.43
Laurel Glen	800	80.25	52.99
Sobre Vista	600	74.50	52.99
Averages		76.49	52.80
Valley Floor Temperatures			
Matanzas Creek Vineyard	500	77.60	49.10
Grand Cru Vineyards	250	80.82	48.71
Hill Rd. weather station	200	80.46	47.74
Averages		79.63	48.52

The petitioner claims that Laurel Glen is more remote from marine influences and this accounts for the higher mean high temperature. However, the mean low temperature is consistent with other mountain temperatures, in contrast to valley floor temperatures.

Boundaries

The eastern boundary of the proposed area is the 400-foot contour line, the lower elevation of the thermal belt phenomenon, as previously discussed. The petitioner's western boundary incorporated the boundary of the Sonoma Valley viticultural area. However, a simple examination of the Glen Ellen and Kenwood maps shows that the terrain is very steep beginning at elevations of about 1200 to 1600 feet above mean sea level. The steep terrain is a geographical feature which makes viticulture impractical. Moreover, the thermal belt phenomenon is dissipated at higher altitudes. Therefore, ATF has modified the peitioner's western boundary by using contour lines at elevations above which viticultural activities are impractical, and above which the thermal belt phenomenon is dissipated.

The proposed boundary of the Sonoma Mountain area is described in the proposed § 9.102.

Miscellaneous

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

Regulatory Flexibility Act

The provision 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 proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

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

Compliance With Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal 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 notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document propose possible boundaries for the Sonoma Mountain viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended by adding the heading of § 9.102 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.102 Sonoma Mountain.

* * * * *

Par. 2. Subpart C is amended by adding § 9.102 to read as follows:

§ 9.102 Sonoma Mountain.

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

(b) *Approved maps.* The approved maps for determining the boundary of the Sonoma Mountain viticultural area

are 2 U.S.G.S. topographic maps in the 7.5 minute series, as follows:

(1) Glen Ellen, Calif., dated 1954, photorevised 1980; and

(2) Kenwood, Calif., dated 1954, photorevised 1980.

(c) *Boundary.* The Sonoma Mountain viticultural area is located in Sonoma County, California. The boundary is as follows:

(1) The beginning point is the point at which the 1600-foot contour line crosses the section line dividing Section 22 from Section 23, in Township 6 North, Range 7 West.

(2) The boundary follows this section line north to the 800-foot contour line.

(3) The boundary follows the 800-foot contour line westerly, easterly, and northerly to Bennett Valley Road.

(4) The boundary follows Bennett Valley Road easterly to Enterprise Road.

(5) The boundary follows Enterprise Road southeasterly to an unnamed stream, in Section 7, Township 6 North, Range 7 West, which crosses Enterprise Road near the point at which the road turns from an easterly to a southerly direction.

(6) The boundary follows this stream easterly to the 400-foot contour line.

(7) The boundary follows the 400-foot contour line southerly to the township line dividing Township 6 North from Township 5 North.

(8) The boundary follows a straight line extension of this township line west to the 1200-foot contour line.

(9) The boundary follows the 1200-foot contour line northwesterly to the range line dividing Range 6 West from Range 7 West.

(10) The boundary follows this range line south to the 1600-foot contour line.

(11) The boundary follows this contour line westerly to the beginning point.

Signed: August 27, 1984.

Stephen E. Higgins,

Director.

[FR Doc. 84-23407 Filed 9-4-84; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 53, and 58

[AD-FRL-2664-5]

National Ambient Air Quality Standards for Particulate Matter, Ambient Air Quality Surveillance for Particulate Matter, and Ambient Air Monitoring Reference and Equivalent Methods; Proposed Rules

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment periods.

SUMMARY: On March 20, 1984, EPA proposed revisons to the national ambient air quality standards for particulate matter in 40 CFR part 50 (49 FR 10408), and to EPA's regulations concerning ambient air quality surveillance in 40 CFR Part 58 (49 FR 10435) and ambient air monitoring reference and equivalent methods in 40 CFR Part 53 (49 FR 10454). On May 25, 1984, EPA extended the public comment periods on the three proposals and the deadlines for rebuttal and supplementary information submitted pursuant to section 307(d)(5)(iv) of the Clean Air Act regarding comments received at the April 30, 1984 public hearing to a common date of September 17, 1984 (49 FR 22109).

Today's notice extends the period for public comment on the Parts 50, 53, and 58 proposals and on the public hearing to November 16, 1984. This action is being taken in response to public requests for additional time to prepare comments on the March 20 proposals.

DATE: Written comments on these proposed rules must be received by November 16, 1984.

ADDRESSES: Submit comments (duplicate copies are preferred) on the proposed revisions to the national ambient air quality standards for particulate matter to: Central Docket Section (LE-131), Environmental Protection Agency, Attn: Docket No. A-82-37, 401 M Street, SW., Washington, D.C. 20460. Comments on the proposed revisions to EPA's regulations on ambient air quality surveillance for particulate matter should be sent to the same address, Attn: Docket No. A-83-13. Comments on the proposed revisions to the ambient air monitoring reference and equivalent methods should also be sent to the same address, Attn: Docket A-82-43. The dockets are located in the Central Docket Section of the Environmental Protection Agency, West Tower Lobby Gallery I, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Haines, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, MD-12, Research Triangle Park, N.C. 27711. Telephone (919) 541-5531 (FTS: 629-5531).

SUPPLEMENTARY INFORMATION: EPA is further extending the public comment period in response to requests from the public. Furthermore, as announced in the March 20, 1984 Part 50 and Part 58 notices, EPA will provide an additional review period. This additional review will be for the limited purpose of allowing comment on the implications, if any, for the air quality standards and the air quality surveillance regulations of EPA's proposals concerning: (1) Requirements for preparation, adoption and submittal of implementation plans in 40 CFR Part 51 and associated guidelines, and (2) approval and promulgation of implementation plans in 40 CFR Part 52. This additional review period will be announced when the Part 51 and Part 52 requirements are proposed.

With today's extension the public will have been given some eight months to prepare comments on the proposed air quality standards and related monitoring and surveillance regulations. EPA, therefore, does not anticipate the need for further extensions of the comment period beyond November 16, 1984 for the Part 50, Part 53 and Part 58 proposals per se.

Dated: August 29, 1984.

John C. Topping,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 84-23424 Filed 9-4-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[EPA Action NE 1514; A-7-FRL-2664-6]

Revision to Attainment Status Designations; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On February 13, 1984, the Nebraska Department of Environmental Control submitted a request that the nonattainment area at 11th and Nicholas Streets in Omaha be redesignated to attainment of the primary total suspended particulate (TSP) standard. Supplementary information was submitted by the State on March 2, 1984. The purpose of today's notice is to discuss the State's submission, EPA's proposed action, and to invite the public to comment on the proposed action.

DATE: Comments must be received on or before October 5, 1984.

ADDRESSES: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the State submission are

available for inspection during normal business hours at the above address and at the following location: Nebraska Department of Environmental Control, Air Pollution Control Division, Box 94877, State House Station, 301 Centennial Mall South, Lincoln, Nebraska 68509.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act, as amended (Act) required each state to list all areas within the state as meeting or not meeting the National Ambient Air Quality Standards (NAAQS). Attainment status designations were initially promulgated on March 3, 1978, in the **Federal Register** at 43 FR 8962. The Act specified that these designations be based on air quality control regions (AQCRs) or any subportions of AQCRs. Section 107(d)(5) provides that the state may revise the list of AQCRs, or portions thereof, as appropriate, and submit such list to EPA for consideration.

In the March 3, 1978, **Federal Register** areas were classified as attainment, unclassified, nonattainment of the primary (and secondary) standards, or nonattainment of the secondary standard only (where the secondary standards differs from the primary standard). An attainment area is one in which the measured or predicted air quality does not exceed the ambient air quality standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. A primary nonattainment area is one in which the air quality is worse than the primary or health-based standard. A secondary nonattainment area is one in which the air quality is attaining the primary standard, but not the secondary or welfare-based standard. For certain pollutants, secondary air quality standards are more stringent than primary standards.

To redesignate an area, the state must show that there were no violations of the standards during the most recent eight consecutive quarters of ambient air quality monitoring. Additionally, the state must demonstrate that the reductions in pollution levels are attributable to the implementation of a control strategy.

On February 13, 1984, the State of Nebraska submitted a request for redesignation of the 11th and Nicholas Streets nonattainment area in Omaha to attainment of the primary total suspended particulate (TSP) standard. The submission contained monitoring data showing no violations of the primary TSP standard for eight consecutive quarters in 1982 and 1983.

Material submitted by the State on March 2, 1984, referenced an RFP report which confirmed that the control strategy contained in the approved State Implementation Plan (SIP) had been implemented in accordance with the SIP.

Review of the information submitted by the State indicates that the area meets the requirements for redesignation from nonattainment of both the primary and secondary TSP standards to nonattainment of the secondary TSP standard only.

Final promulgation of this action at the close of the present public comment period would remove the construction ban on major stationary sources of TSP which is currently in effect in this area. See the **Federal Register** of March 28, 1983 (48 FR 12717), for a discussion of the construction ban.

Proposed Action

EPA proposes to remove the primary nonattainment designation and retain the secondary nonattainment designation for the TSP standards at the 11th and Nicholas Streets nonattainment site in Omaha.

EPA is soliciting comments on the State's submission and on EPA's action proposed in this document. The Administrator will consider comments recived in deciding to approve or disapprove this submission.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

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

This notice is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

Dated: August 2, 1984.

Morris Kay,

Regional Administrator.

[FR Doc. 84-23420 Filed 9-4-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300095; FRL-2663-5]

Alpha-(P-Nonylphenyl)-Omega-Hydroxypoly(Oxypropylene) Block Polymer With Poly (Oxyethylene); Proposed Exemption From the Requirement of a Tolerance; Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to expand the exemption from the requirement of a tolerance for *alpha-(p-nonylphenyl)-omega-hydroxypoly(oxypropylene)* block polymer with poly (oxyethylene) when used as a surfactant in pesticide formulations. This proposed regulation was requested by Quaker Chemical Corp.

DATE: Written comments must be received on or before October 5, 1984.

ADDRESS: By mail, submit written comments identified by the document control number [OPP-300095] to:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

In person, deliver comments to:

Registration Support and Emergency Response Branch, Registration Division (TS-767), Environmental Protection Agency, Rm. 724A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked "confidential" may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: N. Bhushan Mandava (703) 557-7700.

SUPPLEMENTARY INFORMATION: At the request of Quaker Chemical Corp., the Administrator proposes to amend 40 CFR 180.1001(c) by expanding the existing exemption from the requirement

of a tolerance for *alpha*-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxypropylene) block polymer with poly (oxyethylene) (the entry appears incorrectly in the CFR because of a typographical error—"*alpha*-(*p*-Nonylphenyl)-*alpha* * * *;" should read "*alpha*-(*p*-Nonylphenyl)-*omega* * * *"). The ingredient is listed for use as a surfactant in pesticide formulations, and the amendment would expand the polyoxypropylene content from 20–60 moles to 10–60 moles, the polyoxyethylene content from 30–80 moles to 10–80 moles, and the molecular weight from 2,100–7, 100 to 1,200–7,100. A separate entry is not necessary in order to reflect this change.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient. Alpha-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxypropylene) block polymer with poly(oxyethylene).

Name and address of requestor. Quaker Chemical Corp., Conshohocken, PA 19428.

Bases for approval. The parent surfactant is already cleared under 40 CFR 180.1001(c) under the general heading "*alpha*-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxypropylene) block polymer with poly(oxyethylene)"; the polyoxypropylene content is 20–60 moles; polyoxyethylene content is 30–80 moles; and molecular weight is 2,100–7,100. The present clearance can be amended to reflect this modest change in the moles of polyoxypropylene and polyoxyethylene. The Agency does not consider this change in the polyoxypropylene and polyoxyethylene content to be of toxicological significance. Accordingly, the present entry in 40 CFR 180.1001(c) should be amended to reflect the change in polyoxypropylene content from 20–60 moles to 10–60 moles, polyoxyethylene content from 30–80 moles to 10–80 moles, and molecular weight from 2,100–7,100 to 1,200–7,100.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, "[OPP–300095]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Registration Support and Emergency Response Branch at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

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

Dated: August 15, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by revising the entry *alpha*-(*p*-Nonylphenyl)-*alpha*-hydroxypoly(oxypropylene) block polymer with poly(oxyethylene), to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *	*	*
Alpha-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxypropylene) block polymer with poly(oxyethylene); polyoxypropylene content of 10–60 moles; polyoxyethylene content of 10–80 moles; molecular weight 1,200–7,100.		Surfactants, related adjuvants of surfactants.
* * * * *	*	*

* * * * *

[FR Doc. 84–23198 Filed 9–4–84; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Proposed Endangered Status for the Interior Least Tern; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing, and reopening of comment period; correction.

SUMMARY: The Service gave notice in the **Federal Register** of August 22, 1984 (49 FR 33296), that a public hearing would be held in Omaha, Nebraska, on the proposed determination of endangered status for the interior least tern and that the comment period on the proposal was reopened. In the **"SUPPLEMENTARY INFORMATION"** section, middle paragraph, the meeting location of the hearing should be changed to read the Peter Kiewit Conference Center, Room 102, 1313 Farnam on the Mall, Omaha, Nebraska.

In the last paragraph of that section the date for receipt of written comments should read September 25, 1984. The other sections of that notice remain as published.

DATES: The comment period was reopened August 22, 1984. The public hearing will be held on September 11, 1984, from 6:30 p.m. to 10:00 p.m. in Omaha, Nebraska. Comments on the proposal must be received by September 25, 1984.

ADDRESSES: The public hearing will be held at the Peter Kiewit Conference Center, Room 102, 1313 Farnam on the Mall, Omaha, Nebraska. Written comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

FOR FURTHER INFORMATION CONTACT: For information on the public hearing, contact Dr. James Miller, Staff Biologist, Endangered Species Division, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234–2496). For other information regarding the proposed rule, contact Mr. James M. Engel, Endangered Species Specialist, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 (612/725–3276 or FTS 725–3276).

Dated: August 28, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–23382 Filed 9–4–84; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 49, No. 173
Wednesday, September 5, 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

Farmers Home Administration

Natural Resource Management Guide Meeting

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Stillwater, Oklahoma, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on September 6, 1984, 2:00 p.m. to 4:00 p.m.

Comments must be received no later than October 6, 1984.

ADDRESSES: Meeting location at FmHA Conference Room, Agricultural Center Building, Stillwater, Oklahoma.

Written Comments and Further Information Will Be Addressed to: Larry E. Stephenson, State Director, Farmers Home Administration, Agricultural Center Building, Stillwater, Oklahoma 74074 (405/624-4329).

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Oklahoma State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Oklahoma. The purpose of the meeting is to discusss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contract.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: August 30, 1984.

Michael E. Brunner,

Associate Administrator, Farmers Home Administration.

[FR Doc. 84-23404 Filed 9-4-84; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration
Title: Statement by Foreign Importer on Vessel Repair Parts
Form Numbers: Agency—ITA 686-P EAR 373.8; OMB 0625-0137
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 50 respondents; 13 reporting hours
Needs and Uses: The Aircraft and Vessel Repair Station Procedures provides a blanket approval for supplying U.S. origin commodities to aircraft and vessels of friendly countries. If the application is approved, the foreign importer will not be required to send the usual documents to his U.S. exporter such as an Import Certificate, Consignee Purchaser Certificate, etc. Also, the U.S. exporter will not be requested to submit these documents
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Agency: International Trade Administration
Title: Statement by Ultimate Consignee and Purchaser
Form Numbers: Agency—ITA 629-P EAR 375.2; OMB—0625-0136
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 40,000 respondents; 20,000 reporting hours
Needs and Uses: Information provided by exporters on this form is used by licensing personnel in the Office of Export Administration as a basis for approving or rejecting applications for export licenses
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Agency: International Trade Administration
Title: Swedish Consignee's Letter of Assurance
Form Numbers: Agency—EAR 372.5; OMB—0625-0142
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 125 respondents; 63 reporting hours
Needs and Uses: Under this procedure, the U.S. exporter requests his Swedish customers to voluntarily submit a letter affirming that they will not knowingly divert U.S. imports contrary to U.S. law. When the letter is available, licensing proceeds on a more prompt basis. If the letter is not submitted, a Form—629P (Statement by Ultimate Consignee and Purchaser) is required for each export transaction authorized by the issuance of a validated export license
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Agency: International Trade Administration
Title: Statement by Foreign Consignee in Support of Special License Application
Form Numbers: Agency—ITA 6052-P OMB—0625-0135

Type of Request: Extension of the expiration date of a currently approved collection
Burden: 5,000 respondents; 2,500 reporting hours
Needs and Uses: When shipping commodities to certain overseas destinations, three special license procedures require foreign consignees of U.S. exporters to provide certain information. The information is used in determining whether or not the U.S. exporter is eligible to participate in the special licensing procedures—Project Distribution, and Services Supply
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Agency: International Trade Administration
Title: Clearance of U.S. Exports
Form Numbers: Agency—EAR 386.2(d) EAR 386.3(j); OMB—0625-0051
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 200,000 respondents; 53,333 reporting hours
Needs and Uses: In order to ensure compliance with the Export Administration Regulations, the Office of Export Administration requires that shipping information be entered on the reverse of each export license and on the Shipper's Export Declarations. The information is used to determine when unauthorized shipments have been made
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Agency: International Trade Administration
Title: Exception to Requirement of Order Party Signature
Form Numbers: Agency—EAR 372.6(c); OMB—0625-0024
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 12 respondents; 3 reporting hours
Needs and Uses: When a definite order for export has not been received for a shipment, an applicant for an export license may request a waiver of the order requirement. The information provided is used to decide whether or not the Department of Commerce is justified in granting an exception to the requirement that an exporter have a definite order before an export license is granted.
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Agency: National Oceanic and Atmospheric Administration
Title: Capital Construction Fund Deposit/Withdrawal Report
Form Numbers: Agency—NOAA 34-82; OMB—0648-0041
Type of Request: Reinstatement of a previously approved collection for which approval has expired
Burden: 3,100 respondents; 775 reporting hours
Needs and Uses: The Fishing Vessel Capital Construction Fund program is a tax deferral program which allows participating fishermen to defer the tax on vessel income. This form is used to provide for an accounting of respondent's deposit/withdrawal activity. It is used to check for compliance with codified limitations and requirements of the program.
Affected Public: Businesses or other for-profit organizations, small businesses or organizations
Frequency: Annually
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20203.

Dated: August 29, 1984.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84-23409 Filed 9-4-84; 8:45 am]
BILLING CODE 3510-CW-M

International Trade Administration

[A-351-401]

Preliminary Determination of Sales at Less Than Fair Value; Certain Large Diameter Carbon Steel Welded Pipes From Brazil

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain large diameter carbon steel welded pipes from Brazil are being, or are likely to be, sold in the United States at less than fair value, and that "critical circumstances" do not exist in this case. We have notified the United States International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise, and to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by November 12, 1984.

EFFECTIVE DATE: September 5, 1984.

FOR FURTHER INFORMATION CONTACT: Paul Aceto, Office of Invesitgations, 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:

Preliminary Determination

We preliminarily determine that there is a reasonable basis to believe or suspect that certain large diameter carbon steel welded pipes (large diameter pipes) from Brazil are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). We also determine that "critical circumstances" do not exist in this case.

We found that the foreign market value of large diameter pipes from Brazil exceeded the United States price on 33 percent of the U.S. sales compared. The weighted-average margin is 2.67 percent.

If this investigation proceeds normally, we will make our final determination by November 12, 1984.

Case History

On March 21, 1984, we received a petition from Berg Steel Pipe Corporation on behalf of the U.S. industry producing large diameter pipes. In accordance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of large diameter pipes from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or

threaten material injury to, a United States industry. The allegation of sales at less than fair value included an allegation that home market sales are being made at less than the cost of production in Brazil. Also, "critical circumstances" were alleged under section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We also undertook to determine whether "critical circumstances" exist in this case. Since petitioner provided no home market or third country prices to support its allegation of home market sales at less than cost of production, we decided at the time of initiation not to investigate this allegation. We notified the ITC of our action and initiated the investigation on April 10, 1984 (49 FR 15248). On May 7, 1984, we were informed by the ITC that there is a reasonable indication that imports of large diameter pipes are materially injuring a United States industry.

A questionnaire was presented to Confab Industrial S.A. (Confab) on April 16, 1984, and we received a response on June 1, 1984. On June 8, June 11, and August 10, 1984, we received Confab's revised responses. During the week of July 9, 1984, verification of Confab's response was conducted in Sao Paulo, Brazil.

On August 13, 1984, petitioner again alleged that the merchandise under investigation was being sold in the home market at less than the cost of production. This new allegation was supported by actual prices charged by Confab to its home market customers. We determined that an investigation of this allegation was warranted, and on August 24, 1984, we presented a cost of production questionnaire to Confab. Since the allegation of sales at less than the cost of production was received less than two weeks prior to the preliminary determination, we had insufficient time in which to obtain and analyze Confab's response to our questionnaire. That information will be considered for purposes of our final determination.

Petitioner also requested that the Department extend the date of its preliminary determination. Since petitioner's request was filed less than 25 days before the preliminary determination would otherwise be due, the extension was not granted pursuant to section 733(c) of the Act and § 353.39(b) of the Commerce Regulations.

Scope of Investigation

The merchandise covered by this investigation is "Certain Large Diameter Carbon Steel Welded Pipes" of circular cross section, with an outside diameter greater than 16 inches, not suitable for use in boilers, superheaters, heat exchangers, condensers, and feedwater heaters and not cold drawn. At the time this case was initiated, this merchandise was provided for in items number 610.3211 and 610.3251 of the *Tariff Schedules of the United States Annotated* (TSUSA). In April 1984, the TSUSA numbers were changed. Item number 610.3211 is now items number 610.3212 and 610.3213. Item numbers 610.3251 is now items number 610.3262 and 610.3264. This merchandise includes American Petroleum Institute (A.P.I.) and non-A.P.I. line pipe, but does not include A.P.I. nor non-A.P.I. welded carbon steel oil well casing.

This investigation covers the period from July 1, 1983, to March 31, 1984. Confab Industrial S.A. is the only known Brazilian producer who exports the subject merchandise to the United States. We examined over 50 percent of the dollar volume of United States sales made during the period of investigation.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into United States. We calculated the purchase price based on the CIF or CIF duty paid price to United States purchasers. We made deductions, where appropriate, for brokerage and handling charges, foreign inland freight, inland and marine insurance, ocean freight, and U.S. customs duties. We also accounted for taxes imposed in Brazil which were not collected by reason of the exportation of the merchandise to the United States.

Foreign Market Value

In accordance with section 773(a)(1) of the Act, we used home market prices to determine foreign market value. The home market prices were based on ex-factory prices to unrelated home market purchasers. We made comparisons of "such or similar" merchandise based on product categories selected by Commerce Department industry experts in accordance with section 771(16)(B) of the Act. In calculating foreign market value, we made currency conversions from Brazilian cruzeiros to United States dollars in accordance with § 353.56(a)(1) of the Commerce Regulations using the certified daily exchange rates. We made adjustments, where appropriate, for credit expenses in accordance with § 353.15 of the Commerce Regulations. An adjustment was also made, where appropriate, for the difference between commissions on sales to the United States and indirect selling expenses in the home market, in accordance with § 353.15(c) of the Commerce Regulations.

The following claims for adjustments were disallowed. Confab claimed a "short-run adjustment", which it stated would adjust for the increased prices resulting from additional start-up and re-tooling costs it incurs on small quantity orders. In addition, Confab claimed adjustments for differences in grades of steel and product dimensions between the products sold in the United States and in the home market. These adjustments were disallowed because the company has not provided sufficient information supporting the bases for the claims. Confab also claimed circumstance of sale adjustments for pricing premiums charged to state-owned enterprises to compensate for: (1) Decree Law 2037, which limits Confab's price adjustments to 95 percent of the inflation rate, (2) "escalation losses" resulting from the time limits imposed by the government on calculating price adjustments, and (3) "penalty losses" resulting from the additional penalties the government may charge Confab for late deliveries. These premiums appear to constitute increases in revenue to Confab with no evidence of directly related corresponding costs. Therefore, we have determined that adjustments for these differences in circumstances of sale are not appropriate.

If additional verifiable information regarding the disallowed adjustments is provided, it will be considered for purposes of our final determination.

Verification

As provided in section 776(a) of the Act, we will verify all data used in reaching the final determination.

Negative Preliminary Determination of Critical Circumstances

Petitioner alleged that imports of large diameter pipes present "critical circumstances". Under section 733(e) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that: (1)(a) There is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the

subject of the investigation, or (b) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value, and (2) there have been massive imports of the class or kind of the merchandise which is the subject of the investigation over a relatively short period. In preliminarily determining whether there is a history of dumping of large diameter pipes from Brazil in the United States or elsewhere, we reviewed past antidumping findings of the Department of the Treasury as well as past Department of Commerce antidumping duty orders. We found no past antidumping determinations on large diameter pipes from Brazil which covered the class or kind of merchandise which is the subject of this investigation. We also reviewed the antidumping actions of other countries and found no evidence of prior dumping of the merchandise under investigation in those countries.

We then considered whether the person by whom, or for whose account, this product was imported knew or should have known that the exporters were selling this product at less than fair value. It is the Department's position that this test is met where margins calculated on the basis of responses to the Department's questionnaire are sufficiently large that the importer knew or should have known that prices for sales to the United States (as adjusted according to the antidumping law) were significantly below home market sales prices. Given the size of the margin found for this preliminary determination, we do not have reason to believe or suspect that the importer knew or should have known that this product was sold at less than fair value. Therefore, we preliminarily determine that "critical circumstances" do not exist with respect to large diameter pipes from Brazil.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of large diameter pipes from Brazil. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The weighted-average margin is 2.67 percent.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threaten material injury to, a U.S. industry, before the later of 120 days after the Department makes its preliminary affirmative determination or 45 days after the Department makes final affirmative determination.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on October 3, 1984 at the United States Department of Commerce, Conference Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 26, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Dated: August 28, 1984.

C. Christopher Parlin,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-23408 Filed 9-4-84; 8:45 am]

BILLING CODE 3510-DS-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a Compliance Program for the Architectural Glazing Standard, with a requested expiration date of September 30, 1985.

The purpose of this program is to determine compliance with the requirements of the Safety Standard for Architectural Glazing Materials (16 CFR Part 1201) by manufacturers and fabricators of the architectual products which are subject to that standard.

The standard is intended to reduce or eliminate unreasonable risks of injury associated with accidental human-impact breakage of glazing materials used in doors, storm doors, bathtub doors and enclosures, shower doors and enclosures, and sliding glass (patio) doors. The standard prescribes performance requirements for glazing materials used in those products to assure that the glazing materials either will not break if impacted with a specified energy, or will break with characteristics which are less likely to present an unreasonable risk of injury.

The compliance program will be conducted by investigators from the Commission's field staff, who will inspect firms which manufacture or fabricate the five products subject to the architectural glazing standard at a plant or factory, or by on-site installation of new or replacement glazing. The investigators will inspect manufacturing establishments, examine records, question employees of the firms, and observe manufacturing operations.

Information about the Proposed Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Compliance Program—Architectural Glazing Materials.

Type of request: Approval of new plan.

Frequency of collection: Once a year.

General description of respondents: Firms which manufacture or fabricate

doors, storm doors, bathtub doors and enclosures, shower doors and enclosures, and sliding glass (patio) doors at a plant or factory, or on-site by installation of new or replacement glazing.

Estimated number of respondents: 200.

Estimated average number of hours per response: 3.

Comments: Comments on this proposed collection of information should be addressed to Andy Valez Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395-7313, not later than September 20, 1984. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Planning and Program Evaluation, Consumer Product Saftey Commission, Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: August 30, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-23437 Filed 9-4-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Retirement Board of Actuaries; Meeting

AGENCY: Department of Defense Retirement Board of Actuaries.

ACTION: Notice of meeting.

SUMMARY: Department of Defense Retirement Board of Actuaries will meet in open session September 19 and 20, 1984, at the Defense Logistics Agency Auditorium, Building 3 (3B105), Cameron Station, Alexandria, VA, 22314. The meeting will begin at 9:30 a.m.

The mission of the Board is to make acturial determinations concerning the DOD Military Retirement Fund.

A meeting of the Board has been scheduled for September 19 and 20, 1984 to implement the provisions of chapter 74, title 10, United States Code (10 U.S.C. 1461 et. seq.). The Board shall review DOD actuarial methods and assumptions to be used in the valuation of the military retirement system.

FOR FURTHER INFORMATION CONTACT: Toni Hustead, Executive Secretary, (202) 696-5869.

Dated: August 30, 1984.

Patricia Means,

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

[FR Doc. 84-23448 Filed 9-4-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Performance Review Boards; List of Members

Below is a listing of an additional individual who is eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Award System.

Others

BG Kenneth R. Johnson.

Harry C. Waters,

Alternate Air Force, Federal Register Liaison Officer.

[FR Doc. 84-23440 Filed 9-4-84; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

August 23, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee on Options for Attack of Strategic Relocatable Targets will meet in the Pentagon on September 24 and 25, 1984 from 8:30 a.m. to 5:00 p.m. both days. The committee will meet to consider ways in which existing and programmed systems may be effectively applied to attack of mobile ballistic missiles. The briefings and discussions will be classified and closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Harry C. Waters,

Alternate Air Force, Federal Register Liaison Officer.

[FR Doc. 84-23441 Filed 9-4-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Open 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).

Date of Meeting: Monday and Tuesday, September 24 and 25, 1984.

Time: 0900-1700 hours, both days (Open).

Place: Army Research Institute for the Behavioral and Social Sciences, Alexandria, Virginia.

Agenda: The Cohesion and the Army Family Subpanel of the ASB Ad Hoc Subgroup of Soldier Research Issues will meet for briefings and discussions reviewing the existing research program and plan for the next 2-3 years. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-23446 Filed 9-4-84; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open 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).

Date of Meeting: Thursday, October 25, 1984.

Time: 1300-1600 hours (Open).

Place: The Pentagon, Washington, D.C.

Agenda: The ASB Chairman, Vice Chairman, and the Chairs of the Ad Hoc Subgroups on AVRADA (Avionics Research and Development. Activity) and TACOM (U.S. Army Tank Automotive Command) Effectiveness Reviews will meet for discussions on lessons learned during the conduct of these two studies on improving Army laboratories. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-23447 Filed 9-4-84; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Applications for Review Accepted for Hearing by Education Appeal Board

AGENCY: Department of Education.

ACTION: Notice of Applications for Review Accepted for Hearing by Education Appeal Board.

SUMMARY: This notice lists the applications for review transferred to the Education Appeal Board from the Health, Education, and Welfare (HEW) Grant Appeals Board and accepted for hearing by the Education Appeal Board.

FOR FURTHER INFORMATION CONTACT: Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, SW., (Room 1065, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7835.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Education Appeal Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdicition of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most programs administered by the Department of Education (ED). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most ED administered programs that involve a determination that a grant is void, the disapproval of a request for permission to incur an expenditure during the term of a grant, or determinations regarding cost allocation plans or special rates negotiated with specified grantees. Final regulations governing Board jurisdiction and procedures were published in the **Federal Register** on May 18, 1981 (46 FR 27304), 34 CFR Part 78.

Applications Accepted

The following cases previously appealed to the HEW Grant Appeals Board have been accepted for hearing by the Education Appeal Board: *Appeal of D-Q University*, Docket No. 78-10, ACN 09-65171.

D-Q University, Davis, California, appealed a final audit determination made by the Acting Deputy Director for Operations, Grant and Procurement Management Division. The underlying audit reviewed several Federal programs at the University for fiscal years 1974 and 1975.

The Acting Deputy Director disallowed costs for salaries, fringe benefits, travel, and consultants because of allegedly inadequate documentation. D-Q was also directed to return unexpended funds.

The Department of Education seeks a refund of $49,519. *Appeal of the University of Northern Colorado*, Docket No. 78-157, ACN 08-77001.

The University of Northern Colorado, Greeley, Colorado, appealed a final audit determination by the Acting Director of the Grant and Procurement Management Division. The underlying audit reviewed Federal grants to the University for the period July 1, 1973, through June 30, 1976.

The Acting Director requested a refund of drawdowns from the letter of credit for overexpenditures. Costs for salaries and personal service agreements were disallowed. Cost transfers were also disallowed because such transfers were expressly prohibited by the terms of the grant.

The Department of Education seeks a refund of $63,933. *Appeal of Robeson County Board of Education*, Docket No. 79-61, ACN 04-80102.

Robeson County Board of Education, Lumberton, North Carolina, appealed a final audit determination made by the Deputy Commissioner of the Office of Indian Education. The audit reviewed Robeson's Indian Education Act Project for fiscal years 1974 through 1976.

Costs were disallowed because Robeson allegedly supplanted State and local funds, activities allegedly were not approved by the parents' committee, activities allegedly were not related to the special educational needs of Indian children, and costs allegedly were not supported with adequate documentation.

The Department of Education seeks a refund of $209,991. *Appeal of the Research Foundation of the City Univerity of New York*, Docket No. 79-91, ACN 02-67011.

The Research Foundation of the City University of New York requested review of a final audit determination of the Director of the Grant and Procurement Management Division. The audit reviewed grants under the TRIO program for fiscal years 1973 and 1974.

Expense transfers among grants were disallowed because such transfers allegedly violated the terms of the grant.

The Department of Education seeks a refund of $22,626. *Appeal of the Alaska Federation of Natives, Incorporated*, Docket No. 79-95 ACN 10-85300.

The Alaska Federation of Natives, Incorporated, Anchorage, Alaska, appealed a final audit determination by the Director of the Grant and Procurement Management Division. The underlying audit reviewed the TRIO program for fiscal year 1977.

Costs for tutoring services and stipends were disallowed because the documentation of the costs was allegedly inadequate. Indirect costs which exceeded eight percent were disallowed. Travel expenses claimed as a direct cost rather than an indirect cost were also disallowed.

The Department of Education seeks a refund of $3,269.92. The Alaska Federation contests $2,916.75 of the audit exception and accedes to the disallowance of the remaining $353.17.

Intervention

Section 78.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency, may upon application to the Board Chairman, intervene in appeals before the Education Appeal Board, including the above appeals.

An application to intervene must indicate to the satisfaction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

These applications to intervene, or questions, should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 1065, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7835.

(Catalog of Federal Domestic Assistance No. not applicable)

(20 U.S.C. 1234)

Dated: August 30, 1984.

A. Wayne Roberts,

Deputy Under Secretary, Intergovernmental and Interagency Affairs.

[FR Doc. 84-23456 Filed 9-4-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Comments on Draft Mission Plan for the Civilian Radioactive Waste Management Program

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Notice of Availability of Comments on the Draft Mission Plan.

SUMMARY: The purpose of this notice is to announce that the comments received by the Department of Energy on the draft Mission Plan are available for public inspection.

Nearly 100 sets of comments were received from various individuals and organizations including State representatives, Indian Tribes, Federal agencies, industry, utilities and citizen organizations.

DATE: Copies of the comments received will be available on September 5, 1984, for inspection at the DOE Public Reading Rooms, Operations Offices and Information Offices, specified below, at

the indicated times Monday through Friday, except Federal holidays.

ADDRESSES:

DOE Public Reading Room, Forrestal Building, Room 1F-090, 1000 Independence Avenue SW., Washington, D.C. 20585, 8:00 a.m.-4:30 p.m., (202) 252-6020

U.S Department of Energy, New York Support Office, 26 Federal Plaza, Room 3437, New York, New York 10278, 8:30 a.m.-5:00 p.m. (212) 264-1021

U.S. Department of Energy, Boston Support Office, Room 1002, 150 Causeway Street, Boston, Massachusetts 02114, 8:30 a.m.-5:30 p.m., (617) 223-5207

U.S. Department of Energy, Kansas City Support Office, 324 East Eleventh Street, Kansas City, Missouri 64106, 7:45 a.m.-4:30 p.m., (816) 374-5533

U.S. Department of Energy, Philadelphia Support Office, 1421 Cherry Street, 10th Floor, Philadelphia, Pennsylvania 19102, 8:00 a.m.-4:30 p.m., (215) 597-9067

U.S. Department of Energy, Atlanta Support Office, 1655 Peachtree NE., 8th Floor, Atlanta, Georgia 30309, 7:30 a.m.-5:30 p.m., (404) 881-2837

U.S. Department of Energy, Chicago Operations Office, Office of Communications, 9800 South Cass Avenue, Argonne, Illinois 60439, (312) 972-2010. Must call and make arrangements for review

U.S. Department of Energy, Dallas Support Office, Room 227, 2626 West Mockingbird Lane, Dallas, Texas 75235, 7:30 a.m.-5:30 p.m., (214) 767-7741

U.S. Department of Energy, Nevada Operations Office, Public Document Room, 2753 South Highland Drive, Las Vegas, Nevada 89114-4100, 7:30 a.m.-4:30 p.m., (702) 295-3521

Western Area Power Administration, 1627 Cole Boulevard, Western Hqs. Reading Room, Bldg. 18, Golden, Colorado 80401, 8:00 a.m.-4:00 p.m., (303) 231-1557

U.S. Department of Energy, Denver Area Office, 1075 South Yukon Street, Room 203, Lakewood, Colorado 80226, U.S. Department of Energy, 7:30 a.m.-4:00 p.m., (303) 236-2000

U.S. Department of Energy, San Francisco Operations Office, 1333 Broadway, Wells Fargo Bldg., Reading Room, Room 240, Oakland, California 94612, 8:30 a.m.-4:00 p.m., (415) 273-4358

U.S. Department of Energy, Albuquerque Operations Office, Kirkland Air Force Base, National Atomic Museum Library, Public Reading Room, Albuquerque, New Mexico 87115, 9:00 a.m.-5:00 p.m., (505) 844-8443

Richland Operations Office, Hanford Science Center—Rockwell Hanford Operations, 825 Jadwin Avenue, Fed. Bldg., Richland, Washington 99352, 9:00 a.m.-5:00 p.m., (509) 376-6374

Southeastern Power Administration, Samuel Elbert Building, Public Square, Elberton, Georgia 30635, 8:00 a.m.-5:00 p.m., (404) 283-3261

Southwestern Power Administration, 333 W. 4th Street, Room 3408, Tulsa, Oklahoma 74101, 7:45 a.m.-4:30 p.m., (918) 581-7426

U.S. Department of Energy, Idaho Operations Office, 550 2nd Street Hqs. 173, Idaho Falls, Idaho 83401, 8:00 a.m.-5:00 p.m., (208) 526-0271

U.S. Department of Energy, Oak Ridge Operations Office, Federal Building, Room G-208, 200 Administration Road, Oak Ridge, Tennessee 37830

U.S. Department of Energy, National Waste Terminal Storage Program Office, 1375 Perry Street, Room 13-4-127, Columbus, Ohio 43201, 8:00 a.m.-5:00 p.m. (614) 424-7697

Richton Nuclear Waste Information Office, 103 Dogwood Avenue, Richton, Mississippi 39476, 8:00 a.m.-5:00 p.m. Thu. and Sat. 5:00-9:00 p.m. Mon. and Tue. (601) 788-6948

Minden Nuclear Waste Information Office, 221 Main Street, Minden, Louisiana 71055, 11:00 a.m.-3:00 p.m., (318) 371-0369

U.S. Department of Energy, Savannah River Operations Office, 211 York Street, NE., Federal Building, Aiken, South Carolina 29801

Moab Nuclear Waste Information Office, 471 South Main Street No. 3, Moab, Utah 84532, 8:00 a.m.-2:00 p.m., Tue. through Fri. (801) 259-8727

Monticello Nuclear Waste Information Office, 117 South Main Street, Room 12, Monticello, Utah 84535, 8:00 a.m.-12:00, (801) 587-2231, Ext. 28

FOR FURTHER INFORMATION CONTACT: Victor W. Trebules, Policy Division, Office of Radioactive Waste Management, U.S. Department of Energy, Washington, D.C. 20585, Telephone (202) 252-5392.

SUPPLEMENTARY INFORMATION: The Nuclear Waste Policy Act of 1982, Pub. L. 97-425, (Act) was signed by the President on January 7, 1983. Section 301 of this Act requires the Secretary of Energy to prepare a comprehensive report know as the Mission Plan. The purpose of this report is to "provide an informational basis sufficent to permit informed decisions to be made in carrying out the repository program and the research, development, and demonstration programs required under this Act."

Section 301 of the Act further requires the Secretary to:

1. Submit a draft Mission Plan to the States, the affected Indian Tribes, the Nuclear Regulatory Commission, and other Government agencies as the Secretary deems appropriate for their comments, and

2. Upon receipt of any comments of such agencies, publish a notice in the **Federal Register** of the availability of the comments for public inspection.

The draft Mission Plan was completed in April 1984 and distributed for review and comment. The availability of the draft Mission Plan was announced in the **Federal Register** (49 FR 19696) on May 9, 1984.

The Department will address the major areas of concern in the comments and publish a detailed statement in a separate Comment Response Document. The availability of the Comment Response Document will be announced in a future **Federal Register** Notice.

Issued in Washington, D.C., August 28, 1984.

Robert H. Bauer,

Acting Director, Civilian Radioactive Waste Management.

[FR Doc. 84-23463 Filed 9-4-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50623; FRL-2662-6]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-103. Extension. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 1,299 pounds of the insecticide [(±)-cyano (3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methyl-ethyl)benzeneacetate] on corn to evaluate the control of various insects. A total of 9,740 acres are involved; the program is authorized only in the States of Colorado, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, and Wisconsin. The experimental use permit is effective from June 15, 1984 to June 15, 1985. Temporary tolerances for residues of the active ingredient in or on corn grain (except popcorn) and fresh corn including sweet corn have been established. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

49548-EUP-1. Extension. Bend Research, Inc., 64550 Research Road, Bend, OR 97701. This experimental use permit allows the use of nine pounds of the biological insecticides (Z,Z)-7,11-hexadecadien-1-ol acetate and (Z,E)-7,11-hexadecadien-1-ol acetate on cotton to evaluate the control of the pink bollworm. A total of 700 acres are involved; the program is authorized only in the State of Arizona. The experimental use permit is effective from July 6, 1984 to July 6, 1985. A permanent exemption from the requirement of a tolerance for residues of the active ingredients in or on cottonseed when applied to cotton from capillary fibers has been established (40 CFR 180.1043). (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

8730-EUP-15. Extension. Health-Chem Corporation, Hercon Division, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 1,760.24 pounds of the insecticides (Z,Z)-7,11-hexadecadien-1-ol acetate, (Z,E)-7,11-hexadecadien-1-ol acetate and permethrin on cotton to evaluate the control of the pink bollworm. A total of 400 acres are involved; the program is authorized only in the States of Arizona and California. The experimental use permit is effective from July 7, 1984 to July 7, 1985. A temporary tolerance for residues of permethrin has been established. A permanent exemption from the requirement of a tolerance for residues of (Z,Z)-7,11-hexadecadien-1-ol acetate and (Z,E)-7,11-hexadecadien-1-ol acetate in or on cottonseed when applied to cotton from capillary fibers has been established (40 CFR 180.1043). (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

8730-EUP-16. Extension. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 39.69 pounds of the biological insecticides (Z)-11-hexadecenal and (Z)-9-tetradecenal on tobacco to evaluate the control of the tobacco budworm. A total of 900 acres are involved; the program is authorized only in the States of Arizona and California. The experimental use permit is effective from August 10, 1984 to August 10, 1985. A permanent exemption from the requirement of a tolerance for residues of (Z)-11-hexadecenal in or on tobacco has been established (40 CFR 180.1069). (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

35977-EUP-2. Renewal. Maag Agrochemicals research and Development, 5699 North King's Highway, P.O. Box X, Vero Beach, FL 32960. This experimental use permit allows the use of 60 pounds of the insect growth regulator ethyl [2-(p-phenoxyphenoxy) ethyl] carbamate on non-crop areas to evaluate the control of the fire ant. A total of 4,000 acres are involved; the program is authorized only in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

3125-EUP-188. Issuance. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas, City, MO 64120. This experimental use permit allows the use of 8,944 pounds of the insecticide cyano (4-fluoro-3-phenoxyphenyl) methyl 3-(2,2-dichloroethenly)-2,2-dimethylcyclopropanecarboxylate on cotton, peanuts, and soybeans to evaluate the control of various insects. A total of 12,200 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. A temporary tolerance for residues of the active ingredient in or on cottonseed, peanuts, and soybeans has been established. A food additive regulation for residues of the active ingredient in or on cottonseed oil and soybean oil has been established (21 CFR 193.98). A feed additive regulation for residues of the active ingredient in or on cottonseed hulls and soybean hulls has been established (21 CFR 561.96). (Timothy Gardner, PM 17, Rm CM#2, (703-557-2690))

201-EUP-76. Issuance. Shell Oil Company, Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036. This experimental use permit allows the use of 28.8 pounds of the hybridizing agent azetidine-3-carboxylic acid on barley and wheat to evaluate its hybridizing ability. A total of 28 acres are involved; the program is authorized only in the States of Colorado, Kansas, North Dakota, and Texas. The experimental use permit is effective from August 1, 1984 to August 1, 1985. (Robert Taylor, PM 25, Rm. 251, CM#2, (703-557-1800))

2724-EUP-42. Issuance. Zoecon Industries, 1200 Denton Drive, Dallas, TX 75234. This experimental use permit allows the use of 1.2 pounds of the insecticide hydroprene and 1.9 pounds of the insecticide propetamphos in homes and apartments to evaluate the control of cockroaches. A total of 300 homes and apartments are involved; the program is authorized only in the States of California and Texas. The experimental use permit is effective from July 25, 1984 to July 25, 1985. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, Pub. L. 95-396; 92 Stat. 828 (7 U.S.C. 136c))

Dated: August 22, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-23047 Filed 9-4-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00180; FRL-26622]

Nominations to the Scientific Advisory Panel; Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice provides the names, addresses, professional affiliations, and selected biographical data of persons nominated to serve on the Scientific Advisory Panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. (86 Stat. 973 and 89 Stat. 751; 7 U.S.C. 136 *et seq.*). Public comment on the

nominations is invited. Comments will be used to assist the Agency in selecting nominees to comprise the Panel and should be so oriented.

ADDRESS: By mail, submit comments to:

Information Services Branch, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW. Washington, D.C. 20460.

In person, bring comments to: Rm. 236, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA.

DATE: Comments should be postmarked not later than October 5, 1984.

FOR FURTHER INFORMATION CONTACT: By mail:

Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1115, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7096).

SUPPLEMENTARY INFORMATION:

I. Background

FIFRA amendments enacted November 28, 1975, added, among other things, a requirement set forth in section 25(d) that notices of intent to cancel or reclassify pesticide registrations pursuant to section 6(b)(2), as well as proposed and final forms of rulemaking pursuant to section 25(a), be submitted to a Scientific Advisory Panel prior to being made public or issued to a registrant. In accordance with section 25(d), the Scientific Advisory Panel is to have an opportunity to comment on the health and environmental impact of such actions.

II. Charter

A Charter for the FIFRA Scientific Advisory Panel has been issued in accordance with the requirements of section 9(c) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770 (5 U.S.C. App I). The qualifications as provided by the Charter follow.

A. Qualifications of Members

Members are scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under section 6(b) and 25(a) of FIFRA. No person shall be ineligible to serve on the Panel by reason of his membership on any other advisory committee to a Federal department or agency or his employment by a Federal department or agency (except the Environmental Protection Agency). The Administrator appoints individuals to serve on the Panel for staggered terms of 1 to 4 years. Panel members are subject to the provisions of Title 40, CFR, Part 3, Subpart F—Standards of Conduct for Special Government Employees, which include rules regarding conflicts-of-interest. An officer and/or employee of an organization producing, selling, or distributing pesticides and any other person having a substantial financial interest (as determined by the Administrator) in such an organization, as well as an officer or employee of an organization representing pesticide users shall be excluded from consideration as a nominee for membership on the Panel. Each nominee selected by the Administrator shall be required to submit a Confidential Statement of Employment and Financial Interests, which shall fully disclose the nominee's sources of research support, if any, before being formally appointed.

In accordance with section 25(d) of FIFRA, the Administrator shall require all nominees to the Panel to furnish information concerning their professional qualifications, including information on their educational background, employment history, and scientific publications. Section 25(d) of FIFRA requires the Administrator to issue for publication in the **Federal Register** the name, address, and professional affiliations of each nominee.

B. Applicability of Existing Regulations

With the respect to the requirement of section 25(d) that the Administrator promulgate regulations regarding conflicts of interest, the Charter provides that EPA's existing regulations applicable to special governmental employees (whch include advisory committee members) will apply to the members of the Scientific Advisory Panel. These regulations appear at 40 CFR Part 3, Subpart F. In addition, the Charter provides for open meetings with opportunities for public participation.

C. Process of Obtaining Nominees

In accordance with the provisions of section 25(d), EPA, in March 1984, requested the National Institutes of Health (NIH) and the National Science Foundation (NSF) to nominate scientists to fill three vacancies occurring on the SAP. NIH responded by letter dated April 3, 1984, enclosing a list of 6 nominees; NSF responded by letter dated March 26, 1984, with a list of 14 nominees.

III. Nominees

The following are the names, addresses, professional affiliations, and selected biographical data on nominees being considered for membership on the FIFRA Scientific Advisory Panel to fill three vacancies occuring during calendar year 1984.

Steven Douglas Aust, Professor, Department of Biochemistry, Michigan State University, and Associate Director, Environmental Toxicology Center, Michigan State University. Born: March 11, 1938. Educational background: Washington State University, BS, 1960, MS, 1962; University of Illinois, Ph.D (Dairy Science), 1965. Professional experience: Professor, Michigan State University 1967-present; Associate Director, Environmental Toxicology Center, 1980-present. Concurrent position: USPHS fellow, Karolinska Institute, Sweden, 1966: Ministry Agriculture and Fisheries NZ fellow Ruakura Agriculture Research Center, Hamilton, NZ, 1975-1976; consultant, National Center for Disease Control and Environmental Protection Agency Science Advisory Board; member toxicology study section, NIH 1979-June 1983; Commissioner, Michigan Toxic Substance Control Commission, 1970-1981, Chairman, 1981-present. Societies: Society of Toxicology; American Society Photobiology; AAAS; American Society Biological Chemists; American Society Pharmacology and Experimental Therapeutics. Research: Mixed function oxidation of drugs: the perioxidation of lipids: toxicity of halogenated aromatic hydrocarbons.

Harold Lee Bergman, Professor of Zoology and Physiology, Department of Zoology and Physiology, University of Wyoming, Laramie, Wyoming 82071. Born: Sault St. Marie, Mich. July 8, 1941. Education: Eastern Michigan University, BA 1968, MS, 1971; Michigan State University, PhD (fisheries biology), 1973. Professional experience: Fishery Biologist, Great Lakes Fishery Lab, US Fish and Wildlife Service, Ann Arbor, Michigan, 1968-1971; Research Assistant Fishery Biology, Department Fisheries and Wildlife, Michigan State University, East Lansing, 1971-1973; Research Associate, environmental physiology, Department of Physiology, 1974; Research Associate, properties of liver and lung microsomal mixed-function oxidases and their role in the metabolism of drugs and xenobiotics to toxic reactive intermediates; hepatic drug elimination in pregnancy, environmental impact, Environmental Science Division, Oak Ridge National Laboratory, Oak Ridge, Tennessee,

1974–1975; Assistant Professor, Zoology and Physiology, University of Wyoming, 1975-present. Concurrent Position: Editor, Black Thunder Study, Wyoming Environmental Institute, 1975. Societies: Sigma Xi; American Fisheries Society; AAAS; North American Benthological Society. Research: Physiological ecology of fishes and the effects of environmental perturbation on aquatic animals.

Murray Sheldon Blum, Research Professor, Entomology Department, University of Georgia, Athens, Georgia 30602. Born: Philadelphia, Pa., July 19, 1929. Education: University of Illinois, BS, 1952, MS, 1953, PhD (entomology). Education: Entomologist, USDA, 1957–1958; Associate Professor of Entomology, Louisiana State University, Baton Rouge, 1958–1967; Professor 1967–1978; Research Professor, Entomology, University of Georgia, 1978-present. Concurrent position: Editor, Insect Biochemistry Entomologia Experimentalis et Applicata J Chemical Ecology 1972; consultant NSF, 1974–1976. Societies: AAAS; Entomology Society of America. Research: Chemistry of insect pheromones and defensive secretions; biochemistry of the insect reproductive system; regulation of insect behavior by chemical releasers; chemistry and functions of arthropod natural products; biochemical strategies of insects feeding on toxic plants.

Richard Allan Griesemer, Director, Biology Division, Oak Ridge National Laboratory, Post Office Box Y, Oak Ridge, Tennessee 37831. Born: Andreas, Pa., May 8, 1929. Education: Ohio State University, DVM 1953, PhD (veterinary pathology), 1959. Professional experience: Instructor, Veterinary Pathology, Ohio State University 1953–1955; Jr. Pathologist, Viriology Branch, Armed Forces Institute of Pathology, 1955–1957; from instructor to professor Veterinary Pathology, Ohio State University, 1957–1971, Chairman of Department, 1967–1971; Associate Director, National Center Primate Biology, University of California, Davis, 1971–1973; senior resident staff member, Carcino/Genesis Program Oak Ridge National Laboratory, 1973–1975, Program Manager, Cancer and Toxicology Program, 1975–1977; Associate Director, Carcinogenesis Testing, National Cancer Institute, 1977–1980; Director, Biology Division, Oak Ridge National Laboratory, 1980-present. Concurrent Position: Memorial Animal Resources Advisory Committee, NIH 1969–1973. Honors and Awards: National Gaines Award, American Veterinary Medical Association. Societies: AAAS; American Veterinary Medical Association; American College of Veterinary Pathology; International Academy of Pathologists; American Association of Cancer Research. Research: Morphogenesis of cancer; environmental co-carcinogenesis.

Joe Wheeler Grisham, Professor and Chairman, Department of Pathology, School of Medicine, University of North Carolina, Chapel Hill, NC 27514. Born: Brush Creek, Tenn., December 5, 1931. Education: Vanderbilt University, AB 1953, MD 1957. Professional experience: Resident pathologist, School of Medicine, Washington University 1957–1960; from instructor to professor of pathology and anatomy, 1960–1973; Professor, and Chairman, Department of Pathology, School of Medicine, University of North Carolina, Chapel Hill, 1973-present. Concurrent Positions: National Cancer Institute fellow, 1958–1959; Life Insurance Medical Research Fund fellow, 1959–1961; Markle scholar, 1964–1969; member, board science counsellors, National Institute Environmental Health Science, 1974–1978. Societies: American Association Cancer Research, American Association Study Liver Disease; International Academy of Pathologists, American Society of Cell Blogists. Research: Liver diseases, especially cirrhosis; chemical carcinogenesis; regulation of cellular proliferation; DNA replication and repair.

Susan Goldhor, President, Center for Applied Regional Studies. Born: Brooklyn, N.Y., March 24, 1939. Expertise: Zoology. Education: Columbia University, BA 1960; Yale University, MS 1962; Yale University, PhD 1967. Experience: Dean of Natural Science and Associate Professor of Biology, Hampshire College, 1973–1977; Director, New England Farm Center, Hampshire College, 1978–1981; President, Center for Applied Regional Studies, Amherst, Massachusetts, 1981-present. Societies: American Society of Animal Science; British Society of Animal Production; Canadian Society of Animal Science; Council for Agricultural Science and Technology; International Biomass Association; Institute of Food Technologists.

John James Lech, Professor of Pharmacology, Medical College of Wisconsin, Milwaukee, Wisconsin 53213. Born: Passaic, N.J., June 21, 1940. Education: Rutgers University, Newark, BS 1962; Marquette University, PhD (pharmacology), 1967. Professional experience: From instructor to assistant professor, 1967–1974, Associate Professor, Pharmacology, 1974–1980; Professor of Pharmacology and Toxicology, Medical College of Wisconsin 1980-present. Concurrent Position: American Heart Association grant, Medical College of Wisconsin, 1972–1975; Sea grant, 1971–1975. Societies: AAAS; Society of Toxicology; American Fisheries Society; American Society of Pharmacology and Experimental Therapeutics. Research: Cardiac Triglyceride metabolism; metabolism of foreign compounds by fish.

Robert Lee Metcalf, Professor, Entomology, University of Illinois. Born: Columbus, Ohio, November 13, 1916. Expertise: Entomology. Education: University of Illinois, BA, 1939, MA, 1940; Cornell University PhD (entomology), 1943. Experience: assistant entomologist to associate entomologist, Tennessee Valley Authority, Alabama, 1943–1946; from Assistant Entomologist to Associate Entomologist, Citrus Experiment Station, University of California, Riverside, 1946–1953; Professor Entomology and Entomologist, 1953–1968; Professor of Entomology, University of Illinois, Urbanna-Champaign, 1968-present; Head, Department of Zoology, 1969-present. Concurrent positive: Vice Chancellor, University California, Riverside, 1962–1967; consultant, WHO; FIFRA Scientific Advisory Committee. Societies: National Academy of Science; American Chemical Society; Entomology Society of America. Research: Insect Physiology and toxicology; mosquito control.

Howard Harold Seliger, Professor, Biology Department, Johns Hopkins University. Born: New York, N.Y., December 1924. Expertise: Physics, photobiology. Education: City College, BA, 1943; Purdue University, MS, 1948; University of Maryland, PhD (physics), 1954. Experience: Assistant Instructor, Physics, Purdue University, 1948; Professor, leader-radioactivity, National Bureau of Standards, 1948–1958; Research Associate, Biophysics, 1958–1963, Associate Professor 1963–1968, Professor, Biology, Johns Hopkins University, 1968-present. Concurrent positions: Guggenheim fellow 1958–1959; consultant, Naval Research. Societies: AAAS; American Physics Society; Radiation Research Society; American Society of Biological Chemists; American Society Photobiology. Research: radioactivity standardization; bioluminescence: excited states of biological molecules; marine biology of bioluminescent dinoflagellates; photometry.

Fred Harold Tschirley, Professor and Chairman, Department of Botany and Plant Pathology, Michigan State University. Born: Ethan, S.D. December

19, 1925. Expertise: Ecology. Education: University of Colorado, BA, 1951, MA, 1954; University of Arizona, PhD, 1963. Experience: Research Assistant, University of Arizona, 1952–1953; Instructor, 1953–1954; Range Scientist, Crops Research Division, Agriculture Research Service, USDA, 1954–1968; Assistant Branch Chief, Crops Protection Research Branch, 1968–1971; Assistant Coordinator, Environmental Quality Active Science and Education, 1971–1973, Coordinator Environmental Quality Activity, Official Secretary, 1973–1974; Professor and Chairman, Department of Botany and Plant Pathology, Michigan State University, 1974-present. Societies: AAAS, Weed Science Society of America; Social Range Management; Ecology Society of America. Research: Woody plant control; physiological ecology.

Mary Edith Vore, Associate Professor of Pharmacology, College of Medicine, University of Kentucky, Lexington, Kentucky 40536. Born: Guatemala City, Guatemala, June 27, 1947; US citizen. Education: Asbury College, BA, 1968; Vanderbilt University, PhD (pharmacology) 1972. Professional experience: Fellow, Department of Biochemistry and Drug Metabolism, Hoffman-LaRoche Inc. 1972–1974; Assistant Professor of Toxicology, Department of Pharmacology, University of California, San Francisco, 1974–1978; Associate Professor, 1978–1981, Associate Professor of Pharmacology, College of Medicine, University of Kentucky, 1981-present. Societies: American Society of Pharmacologists and Experimental Therapeutics; Society of Toxicology. Research: The biochemical properties of liver and lung microsomal mixed-function oxidases and their role in the metabolism of drug and xenobiotics to toxic reactive intermediates; hepatic drug elimination in pregnancy.

Dated: August 16, 1984.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 84-23046 Filed 9-4-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

American Heritage Savings, F.A. Bloomingdale, IL; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in § 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for American Heritage Savings, F.A., Bloomingdale, Illinois, on August 27, 1984.

Dated: August 29, 1984.

J.J. Finn,

Secretary.

[FR Doc. 84-23442 Filed 9-4-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

NCNB 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 26, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *NCNB Corporation*, Charlotte, North Carolina; to acquire 100 percent of the voting shares of NCNB National Bank, Fairfax County, Virginia, a bank that will perform credit card and related activities in conformance with Va. Code §§ 6.1—392 and 393.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Busey Corporation*, Urbana, Illinois; to acquire 100 percent of the voting shares of Citizens Bank of Tolono, Tolono, Illinois.

2. *Omnibank Corp.*, Wyandotte, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Wyandotte Saving Bank, Wyandotte, Michigan.

C. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Vice President) 400 South Akard Streed, Dallas, Texas 75222:

1. *Azle Bancshares, Inc.*, Azle, Texas; to become a bank holding company by acquiring 94.37 percent of the voting shares of First National Bank of Azle, Azle, Texas.

Board of Governors of the Federal Reserve System, August 29, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-23406 Filed 9-4-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction and Waiting Period Terminated Effective

(1) 84-0717—ConAgra, Incorporated's proposed acquisition of assets of Northern State Beef Incorporated, August 13, 1984

(2) 84-0718—Michael Wilkinson's proposed acquisition of assets of Steel Processing Facilities at Fontana, California, (Kaiser Steel Corporation, UPE), August 13, 1984

(3) 84-0760—Tenneco, Incorporated's proposed acquisition of voting securities of Ekco Products Incorporated (American Home Products Corporation, UPE), August 16, 1984
(4) 84-0767—The Fulcrum Partnership's proposed acquisition of voting securities of The Houseware Group of American Home Products Corporation and other assets of American Home Products Corporation's Ekco Housewares Division, August 16, 1984
(5) 84-0772—The 1964 Simmons Trust's proposed acquistion of voting securities of Medford Corporation, August 16, 1984
(6) 84-0775—Baker, Fentress & Company's proposed acquisiton of voting securities of Medford Corporation, August 16, 1984
(7) 84-0781—Reliance Capital Group L.P.'s proposed acquisition of voting securities of Cecil B. Day Companies, Incorporated (Cecil B. Day Trust, UPE), August 16, 1984
(8) 84-0783—PacifiCorp's proposed acquisition of voting securities of MAPCO Incorporated, August 16, 1984
(9) 84-0757—United Financial Group Incorporated's proposed acquisition of voting securities of Weingarten Realty Incorporated, August 17, 1984
(10) 84-0726—Schnitzer Steel Products Company's proposed acquisition of voting securities of Cascade Steel Rolling Mills, Incorporated, August 20, 1984
(11) 84-0750—William Comrie, (The Brunton Company) proposed acquisition of voting securities of the voting trust of Cousins Home Furnishings, Incorporated, August 20, 1984
(12) 84-0761—Texaco Incorporated's proposed acquisition of voting securities of ACC Chemical Company, (American Can Company, UPE), August 20, 1984
(13) 84-0766—Capital Cities Communications Incorporated's proposed acquisition of voting securities of Institutional Investor Incorporated, (Gilbert E. Kaplan, UPE), August 20, 1984
(14) 84-0771—Fleming Companies, Incorporated's proposed acquisition of voting securities of United Grocers Ltd., August 20, 1984
(15) 84-0778—Lennar Corporation's proposed acquisition of voting securities of H. Miller and Sons Incorporated, August 20, 1984
(16) 84-0780—First Boston Incorporated's proposed acquisition of voting securities of Joyce Beverages Incorporated, August 20, 1984
(17) 84-0799—Chesebrough-Pond's Incorporated's proposed acquisition of voting securities of The Polymer Corporation, Harbison Industrial Products Incorporated, Polymer Hose and Coupling, Incorporated, (ACF Industries, Incorporated, UPE), August 20, 1984
(18) 84-0774—Prime Motor Inns, Incorporated's proposed acquisition of voting securities of American Motor Inns, Incorporated, August 23, 1984
(19) 84-0796—Laidlaw Transportation, Ltd.'s (Michael George Degroote, UPE) proposed acquisition of voting securities of ARA Transportation Incorporated, (ARA Services, Incorporated, UPE), August 23, 1984
(20) 84-0754—Gulf & Western Industries, Incorporated's proposed acquisition of assets of Shoppers Charge Card Service Division, (American Fletcher, Corporation, UPE), August 24, 1984
(21) 84-0792—Protective Corporation's proposed acquisition of voting securities of Columbia National Life Insurance Company, (Armco, Incorporated, UPE), August 24, 1984
(22) 84-0816—Ross Stores, Incorporated's proposed acquisition of assets of Edison Brother Stores, Incorporated, August 24, 1984
(23) 84-0822—The Parsons Corporation's proposed acquisition of voting securities of The Parsons Corporation, August 24, 1984
(24) 84-0823—The Parsons Corporation's proposed acquisition of voting securities of RMP International, Ltd., August 24, 1984

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By the direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-23458 Filed 9-4-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Open Meeting on Premature Thelarche

The Public Health Service and the University of Puerto Rico Medical Sciences Campus will hold a scientific meeting on premature thelarche. The purpose of this meeting will be to assess the data on premature thelarche in Puerto Rico.

The meeting will be held September 20-21, 1984, at the Palmas del Mar Hotel in Humacao, Puerto Rico, beginning at 8:00 a.m.

Additional information may be obtained from: Jose F. Cordero, M.D., Medical Epidemiologist, Birth Defects Branch, Chronic Diseases Division, Center for Environmental Health, Centers for Disease Control, Atlanta, Georgia 30333, Telephones: FTS: 236-4090, Commerical: 404/452-4090.

Dated: August 29, 1984.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 84-23405 Filed 9-4-84; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 15661]

Disclaimer of Interest To Issue; Proposed Issuance of Recordable Disclaimer of Interest for Lands in Los Angeles County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Application has been filed by Southern California Savings and Loan Association, a Corporation, for a recordable disclaimer of Interest by the United States, involving 61.05 acres of land.

DATE: Comments should be received by December 4, 1984.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, California State Office (Room E-2841), Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Jerry Alendal, California State Office, (916) 484-4431.

SUPPLEMENTARY INFORMATION: Pursuant to section 315 of the (Federal Land Policy and Management Act of 1976 (90 Stat. 2770; 43 U.S.C. 1745), application number CA 15661 has been filed by Southern California Savings & Loan Association, a Corporation, for issuance of a recordable disclaimer of interest by the United States, affecting the following described land:

San Bernardino Meridian

T. 4 N., R. 16 W.,
Sec. 11, lots 1, 2, and 3.

The area described aggregate 61.05 acres in Los Angles County.

1. The Bureau of Land Management has reviewed the official records and has determined that the United States has no claim to or interest in the above described lands and that the issuance of

a recordable disclaimer of interest will help to remove a cloud on the title to the land.

2. For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed disclaimer may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the California State Office.

3. Accordingly, the recordable disclaimer of interest will be issued no sooner than ninety days after the date of this publication.

Ed Hastey,

State Director.

[FR Doc. 84-23438 Filed 9-4-84; 8:45 am]

BILLING CODE 4310-40-M

Final Environmental Assessment and Management Framework Plan Amendment; Grand Junction Conversion Transmission Line Project, Grand Junction, CO.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Final Environmental Assessment (FEA) and of the Beginning of the Protest Period on the Management Framework Plan (MFP) Amendment.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, BLM has prepared a FEA on the Grand Junction Conversion Transmission Line Project. Pursuant to 43 CFR 1600, BLM proposes an amendment to the Roan Creek/Winter Flats MFP.

DATE: Comments on the FEA and protests on the MFP amendment will be accepted until October 10, 1984.

ADDRESS: Comments should be sent to: District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501.

Protests should be sent to: Director (202), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Julie Dougan, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, (303) 243-6552.

SUPPLEMENTARY INFORMATION: The final environmental assessment (FEA) on the Grand Junction Conversion Transmission Line Project analyzes the impact of a proposal by Public Service Company of Colorado (PSCC) to upgrade its existing 69,000 volt transmission system in the Grand Junction vicinity to 230,000 volts. The FEA contains a proposed amendment to the Management Framework Plan (MFP) for Roan Creek and Winter Flats, an area that includes the Little Book Cliffs Wild Horse Management Area. The amendment would permit granting a right-of-way to PSCC through the Wild Horse Management Area. The amendment is necessary because the existing MFP does not provide for new rights-of-way in that area where a portion of the new transmission line would cross.

The proposed MFP amendment may be protested. Any person who participated in the process by which the amendment was developed (the EA process) and has an interest which is or may be adversely affected by the approval of this amendment may protest such approval. A protest may raise only those issues which were submitted for the record during development of the FEA and the amendment. A protest must contain the following information:

1. The name, mailing address, telephone number, and interest of the person filing the protest;
2. A statement of the issue(s) being protested;
3. A statement of the part of the amendment being protested;
4. A copy of all documents or issues that were submitted during the EA and amendment process by the protesting party or an indication of the date the issue(s) were discussed for the record;
5. A concise statement explaining why the State Director's decision is believed to be wrong.

At the end of the 30 day protest period, the proposed amendment, excluding portions under protest, shall become final. Approval shall be withheld on any portion of the amendment under protest until action has been completed on the protest.

Availability

Single copies of the FEA may be obtained at the Grand Junction District Office.

Dated: August 28, 1984.

Kannon Richards,

State Director, Bureau of Land Management.

[FR Doc. 84-23439 Filed 9-4-84; 8:45 am]

BILLING CODE 4310-JB-M

Minerals Management Service

Outer Continental Shelf North Atlantic Oil and Gas Lease Sale 82; Finding of No Significant Impact

Correction

In FR Doc. 84-22546, beginning on page 33731 in the issue of Friday, August 24, 1984, make the following correction on page 33736. In the third column, following the heading "*Conclusion*" insert the following paragraph:

In FEIS-82, the impact level on fish and fishery resources was determined to be Minor-Moderate for Alternative 10. Under the proposal, the level of impact is expected to be essentially the same: Minor-Moderate.

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places

The following districts have been determined to be eligible for inclusion in the National Register of Historic Places effective on this date. These state local historic districts were certified as substantially meeting National Register criteria for evaluation between 1976 and March 12, 1984. These determinations of eligibility are made under § 67.9(g) of 36 CFR Part 67, implementing the Tax Reform Act of 1976; the Revenue Act of 1978; the Tax Treatment Extension Act of 1980; and the Economic Recovery Tax Act of 1981. Additions to this will be published on an annual basis as part of the Annual Supplemental Listing of Historic Properties.

Bruce MacDougal,

Acting Chief of Registration, National Register of Historic Places.

CALIFORNIA

Alameda County

Oakland, *Preservation Park Historic District (CHD)*, Bounded by Grove, 11th, Castro and 14th Sts.

Oakland, *Victorian Row-Old Oakland Historic District (CHD)*, Bounded by 7th, Broadway, 10th and Clay Sts.

Contra Costa County

Pittsburg, *New York Landing Historic District (CHD)*, E. 3rd, E. 4th and Railroad Ave.

Marin County

Sausalito, *Sausalito Central Business Historic District (CHD)*, 558-789 Bridgeway, El Portal and Princess St., portions of Bulkley Ave.

Ventura County

San Buenaventura, *San Buenaventura Historic District (CHD)*, Plaza Park and properties south of the park in the 600 blk of E. Thompson Blvd.

COLORADO

Boulder County

Boulder, *Mapleton Hill Historic District (CHD)*, Roughly bounded by Mountain View Rd., 11th and Dewey Sts.

Pitkin County

Aspen, *Aspen Historic District (CHD)*, Roughly bounded by Durant Ave., Main, Monarch, and Hunter Sts.

CONNECTICUT

Fairfield County

New Canaan, *New Canaan Historic District (CHD)*, Roughly bounded by Oenoke Lane, Heritage Hill and the S side of Seminary St. containing properties on both sides of Oenoke Ridge, Main and Park Sts.

DELAWARE

New Castle County

Wilmington, *Delaware Avenue Historic District (CHD)*, Roughly bounded by N. Broom St. and Harrison St. on Delaware Ave.

FLORIDA

Dade County

Fort Lauderdale, *Fort Lauderdale Historic District (CHD)*, Roughly bounded by Broward Blvd., SW 2nd Ave., New River Dr., and SW 5th Ave.

Escambia County

Pensacola, *North Hill Historic District (CHD)*, Roughly bounded by Moreno, Gillemard, Wright, and De Villiers Sts.

Manatee County

Bradenton, *Downtown Bradenton Historic District (CHD)*, Roughly bounded by 3rd Ave., W., 9th St. W., 8th Ave. W., 14th St. W.

Bradenton, *Old Manatee Historic District (CHD)*, Roughly bounded by E. 3rd, 9th, 4th, Manatee Ave., 10th, 8th and 9th St. E.

Orange County

Orlando, *Downtown Historic District (CHD)*, Roughly bounded by Jefferson and South Sts., Rosaland, S. Byran and N. Gertrude Aves., and W. Central Blvd.

Orlando, *Lake Cherokee Historic District (CHD)*, Roughly bounded by East-West Exp., S. Sum merlin Ave., Lake Davis, E. Gore, Euclid, S. Delaney and S. Orange Aves.

Polk County

Lakeland, *Lake Munn Historic District (CHD)*, Roughly bounded by Bay and Orange Sts., Massachusetts, Iowa, and Missouri Aves., and Lake Mirroe Shoreline.

GEORGIA

Richmond County

Augusta, *Augusta Historic Preservation District (CHD)*,

Roughly bounded by 7th, Telfair, Walker Sts. and Gordon Hwy.

ILLINOIS

Cook County

Blue Island, *Blue Island Historic District (CHD)*, Roughly bounded by Western Ave. between Canal and 135th Sts.

Kane County

Aurora, *Near Eastside Historic District (CHD)*, Roughly bounded by Marve Ave., Anderson and LaSale

KANSAS

Pottawatomie County

Manhattan, *Manhattan Downtown Historic District (CHD)*, Roughly bounded by Anderson Ave., 7th and 3rd Sts. and Griffith Ball Park.

LOUISIANA

Orleans Parish

New Orleans, *Lafayette Square Historic District (CHD)*, Roughly bounded by O'Keefe and St. Joseph Aves., Poydras and Magazine Sts.

New Orleans, *Lower Garden Historic District (CHD)*, Roughly bounded by St. Charles Ave., US 10, Tchoupitoulas, Race and Philip Sts. and Mississippi River.

New Orleans, *Picayune Place Historic District (CHD)*, Roughly bounded by St. Charles Ave., and Common, Tchoupitoulas, and Poydras Sts.

New Orleans, *St. Charles Avenue Historic District (CHD)*, Roughly bounded by Carondolet, Prytania, Jena Sts. and Jackson Ave.

New Orleans, *Warehouse Historic District (CHD)*, Roughly bounded by Magazine, Poydras, and S. Front Sts., Howard Ave.

MAINE

Androscoggin County

Lewiston, *Kennedy Park (CHD)*, Roughly bounded by Pine, Blake, Birch and the alley of W of Park St.

Hampden County

Springfield, *Ridgewood Historic District (CHD)*, Roughly bounded by Union St., Mulberry St., and School St.

Penobscot County

Bangor, *Bangor Theological Seminary (CHD)*, Roughly bounded by Union St., Hammond St., and Cedar St.

Bangor, *Broadway Historic District (CHD)*, Roughly bounded by Garland St., Pine St., State St., and Broadway

Bangor, *High Street Historic District (CHD)*, Roughly bounded by Hammond St., N. High St., Union St., and High St.

Bangor, *Whitney Park Historic District (CHD)*, Roughly bounded by Eighth St., Union St., Pond St., and Hayford Rd.

MARYLAND

Baltimore (Independent City)

Eutaw Place/Madison Avenue Historic District (CHD), Properties on Eutaw Pl. and Madison Ave. between Druid Park Lake Dr. and North Ave.

Madison Park Historic District (CHD), Roughly bounded by North Ave., Morris St., Laurens St., and Tiffany St.

Mt. Royal Terrace Historic District (CHD), Roughly bounded by Reservoir St., Park Ave., North Ave. and Mt. Royal Terrace

Mt. Vernon Historic District (Expanded) (CHD), Roughly bounded by Mt. Royal Ave, Howard St., Gilford St., and Hamilton St.

Seton Hill Historic District (Expanded) (CHD), East side of 600 blk. of N. Eutaw St.

Sterling Street Historic District (CHD), Bounded by Monument, Ensor, and Mott Sts. and Flatiron Alley

Union Square Historic District (CHD), Roughly bounded by Fulton Ave., Baltimore, Schroder, Carey, and Pratt Sts.

Waverly Historic District (CHD), Roughly 600 Blk. of 34th St.

Frederick County

Federick, *Federick Historic District (South Addition) (CHD)*, Roughly bounded by E. 7th St., East St., Clarke Pl., E. South and North Bentz Sts.

Wicomico County

Salisbury, *Downtown Historic District (CHD)*, Roughly bounded by US Rt. 50, US Rt. 13, the Wicomico River, and Lake St.

Salisbury, *Newtown Historic District (CHD)*, Roughly bounded by Mill St., North St., Broad St., and Chestnut St.

MASSACHUSETTS

Berkshire County

Lenox, *Lenox Historic District (CHD)*, Properties along both sides of Main St. from Greenwood to West Sts., Franklin, Housatonic, Church and Walker Sts.

Bristol County

New Bedford, *Bedford Landing-Waterfront Historic District (CHD)*, Roughly bounded by Elm and Rodman Sts., Front St., Commercial St., Union St. and Acushnet Ave.

Hampden County

Springfield, *Forest Park Heights Historic District (CHD)*, Roughly bounded by Riverview and Westernview Sts., Fairfield St., Litchfield St., Sumner Ave., Forest Park Ave., Washington Blvd., and Longhill St.

Springfield, *Lower Maple Historic District (CHD)*, Roughly bounded by State St., School St., Union St., and Maple St.

Springfield, *Maple Hill Historic District (CHD)*, Roughly bounded by Cemetery Ave., Madison St., Pine St., Mill St., and Maple St. (Ames Hill and Crescent Hill)

Springfield, *Ridgewood Historic District (CHD)*, Roughly bounded by Union St., Mulberry St., and Schol St.

Middlesex County

Carlisle, *Carlisle Historic District (CHD)*, Properties extending out from the Monument juncture on Lowell and East Sts., Bedford Rd., School St., Concord and Westford Rds.

Suffolk County

Boston, *Bay State Road/Back Bay West Historic District (CHD)*, Bounded by W. Charlesgate, Newberry, Graham, alley S. of Bay State Rd., Bay State Rd., and Back St.

Boston, *St. Botolph Street Historic District (CHD)*, Bounded by Harcourt, Alley E of Huntington, Alley N of Mass Ave., and NY, NH & Hartford R.O.W.

MICHIGAN

Genesse County

Linden, *Linden Downtown Historic District*, Roughly bounded by the Shiawassee River, N. Main St., Hickory St., S. Bridge and N. Bridge Sts.

Kent County

Grand Rapids, *Heartside Historic District (CHD)*, Roughly bounded by Louis St., Division Ave., Cherry St., and Ionia Ave.

Muskegon County

Muskegon, *Clay-Western Historic District (CHD)*, Western Ave., 4th St., Clay Ave., 6th St., Webster St., and 7th St.

Oakland County

Holly, *Central Downtown Historic District (CHD)*, Washington St., Martha St., S. Broad, E. Maple to N. Saginaw, Front St. to Railroad St.

Holly, *District #2 (CHD)*, North and South lots on Maple St. between Cogshall and Washington St.; West lots on College between Main and Maple St.

Saginaw County

Saginaw, *Old Saginaw City Historic District (CHD)*, S. Michigan to N. Michigan to Cleveland St. to Saginaw River to Van Buren St. to Michigan

Washtenaw County

Ypsilanti, *Ypsilanti Historic District (CHD)*, Roughly bounded by Forest St., Prospect St., Michigan St., Buffalo St. and N. Hamilton St.

Wayne County

Detroit, *Berry Historic District (CHD)*, Roughly bounded by E. Jefferson Ave., Parkview Dr., the Detroit River, and Fiske St.

Detroit, *New Center Historic District (CHD)*, Roughly bounded by Euclid, Woodward, 2nd, Lothrop and 3rd Aves.

MINNESOTA

Goodhue County

Red Wing, *Downtown Historic District (CHD)*, Roughly bounded by Bush, Main, and Broad Sts.

Hennepin County

Minneapolis, *Southeast Fifth Street Historic District (CHD)*, Along 5th St. between 9th and 4th Ave.

Minneapolis, *Warehouse Historic District (CHD)*, Roughly bounded by 1st., Washington, 6th and 3rd Aves.

Minneapolis, *Washburn Fair Oaks Historic District (CHD)*, Roughly bounded by 26th St., Franklin, 4th and Lincoln Aves.

Rice County

Faribault, *Faribault Heritage Preservation District (CHD)*, Roughly bounded by Central Ave., 4th and Division Sts. and 1st Ave.

MISSOURI

Clay County

Kansas City, *Nelle E. Peters Historic District (CHD)*, 3600 Summit and portions of the 700 blk of W. 37th

Jackson County

Kansas City, *Armour/Gillham Historic District (CHD)*, Roughly bounded by north side of East Blvd., between Warwick, and Locust St.

Kansas City, *Miller Plaza/Warner Plaza Historic District (CHD)*, Roughly bounded by Main St., Walwick Blvd. on E. 32nd St.

Kansas City, *North Hyde Park Historic District (CHD)*, Roughly bounded by 3300 blks. of Harrison and Campbell, the 3400 blk. of Campbell and the residence at 3402 Harrison

St. Louis County

St. Louis, *Central West End Historic District (CHD)*, Roughly bounded by Boyle Ave., Lindall Blvd., Baleviere and Belmar

St. Louis, *Compton Hill Historic District (CHD)*, Roughly bounded by Sidney, S. Grand Blvd., Coplin and Shenandoah

St. Louis, *Hyde Park Historic District (CHD)*, Roughly bounded by Palm St., 11th Ave., Florissant and Grand Blvd.

St. Louis, *Lafayette Park Historic District (CHD)*, Roughly bounded by Jefferson Ave., Simpon Pl. and Dolman St.

St. Louis, *Soulard Historic District (CHD)*, Roughly bounded by Broadway, Compton Ave., Arsenal St. and Delaware Blvd.

St. Louis, *Visitation Park Historic District (CHD)*, Roughly bounded by Union Blvd, from Delmar to Cabanne

NEBRASKA

Lancaster County

Lincoln, *Haymarket Historic District (CHD)*, Roughly bounded by R and O Sts. and the Railroad

NEVADA

Carson City County

Carson City, *Carson City Historic District (CHD)*, Roughly bounded by Curry St., John, 5th and Iris Sts.

NEW JERSEY

Burlington County

Burlington, *High Street Historic District (CHD)*, High St. between Broad and Pearl; Broad St. between High and Stacy

Camden County

Camden, *Cooper Plaza Historic District (CHD)*, Roughly bounded by S. Broadway, Benson, S. 7th, and Berkley, including Washington between 7th and Haddon and Haddon from Washington to Newton

Hudson County

Hoboken, *Southern Hoboken Historic District (CHD)*, Roughly bounded by Fourth, Hudson, and First Sts., Erie-Lackawanna Train Yards, Washington St. and Bloomfield St.

Mercer County

Trenton, *Yard Avenue Historic District (CHD)*, Properties along Yard Ave. and E. State St. between Ewing, S. Clinton and Fairview

Salem County

Salem, *Broadway Historic District (CHD)*, Properties on E. and W. Broadway from Front St. to Keasbey and Yorke St.

Union County

Plainfield, *Van Wyck Brooks Historic District (CHD)*, Roughly bounded by Park Ave., W. 7th, Plainfield Ave., Stelle Ave., Randolpf, and Arlington Ave.

NEW YORK

Albany County

Albany, *Capitol Hill Historic District (Center Sq./Hudson Park) (CHD)*, Roughly bounded by Millet, Spring, and S. Swan Sts., Park, Ware and Madison Aves.

Albany, *Clinton Avenue/North Pearl Street Historic District (CHD)*, Properties along Clinton Ave. between Quail St. and N. Pearl; and along N. Pearl between Clinton and Livington Ave.

Albany, *South End-Groesbeckville Historic District (CHD)*, Roughly bounded by Elizabeth, Morton, Franklin, Basset, Vine, S. Pearl and Second

Albany, *South Pearl Street Commercial Row Historic District (CHD)*, East side of S. Pearl St. between Hudson Ave. and Beaver St.

Albany, *The Mansions Historic District (CHD)*, Roughly bounded by Eagle St., Madison Ave., S. Pearl St. and Park Ave.

Broome County

Binghamton, *Parlor City Center Historic District (CHD)*, Roughly bounded by Court, State, and Hawley Sts.

Erie County

Buffalo, *Delaware Avenue Historic District (CHD)*, Properties on W. Delaware Ave. between Bryant and North St.

Buffalo, *Linwood Historic District (CHD)*, Rougly bounded by Delaware Ave. and Linwood Ave., North and W. Ferry Sts.

Buffalo, *West Village Historic District (CHD)*, Roughly bounded by Tracy, S. Elmwood, Huron, Niagara and Carolina Sts.

Kings County

Brooklyn, *Fort Greene Historic District (CHD)*, Roughly bounded by Ft. Greene Pl., Fulton St., Vanderbilt Ave., and Myrtle Ave.

Onondaga County

Syracuse, *Sedgwick-Highland-James Historic District (CHD)*, Bounded roughly by Rugby St., Brattle Rd., Teall Ave., James, Graves, and Dewitt Sts.

Suffolk County

Huntington, *Cold Spring Harbor Historic District (CHD)*, Properties on Harbor, Main and Hill between Saw Mill Rd. and Huntington Rd and along Shore Rd and Spring St.

Westchester County

Tarrytown, *Main Street Historic District (CHD)*, Properties on Main St. between Windle Park and S. Broadway

NORTH CAROLINA

Guilford County

Greensboro, *College Hill Historic District (CHD)*, Roughly bounded by W. Friendly

Ave., S. Spring, W. Lee, Tate and McIver Sts., Freeman Mill Rd.

Rockingham County

Madison, *Decatur-Hunter Historic District (CHD)*, Roughly bounded by Carter, Market, W. Academy and Wilson Sts., and US 220 (Business)

Wake County

Raleigh, *Blount Street Historic District (CHD)*, Roughly bounded by Franklin, Person, Jones, and Halifax Sts.

OHIO

Cuyahoga County

Cleveland, *Hessler Road/Hessler Court Historic District (CHD)*, Bounded by Ford, Bellflower, E. 115th and Euclid Ave.

Cleveland, *Market Square Historic District (CHD)*, Bridge Ave., W. 24th St., Lorain Ave., W. 25th St., United Ct., 26th St., to 28th St.

Hamilton County

Cincinnati, *Lincoln-Melrose Historic District (CHD)*, N side of Lincoln between 820 Lincoln and Gilbert Ave.; between Lincoln and Beecher

Cincinnati, *Northside Historic District (CHD)*, Hamilton Ave. between Cooper/Spring Grove and Hobart

PENNSYLVANIA

Allegheny County

Pittsburgh, *Manchester Historic District (CHD)*, Roughly bounded by Chateau, Franklin, Fulton, Hamlin, Fontella, Stedman, Bidwell and Faulsey

Pittsburgh, *Mexican War Streets Historic District (CHD)*, Bounded by Buena Vista, Sampsonia, Sherman and North

Berks County

Reading, *Callowhill Historic District (Extension) (CHD)*, Area at the intersection of Penn and 4th Sts.

Reading, *Centre Park Historic District (CHD)*, Roughly bounded by Church, Robeson, Center, 3rd and Greenwich

Reading, *Prince Street Historic District (CHD)*, Roughly bounded by 7th, Cherry, Pearl and Willow

Lancaster County

Strasburg, *Strasburg Historic District (CHD)*, Main St. from Clearview Dr. to Georgetown/Gap

Lehigh County

Allentown, *Old Allentown Historic District (CHD)*, Bounded by Hall, Turner, Fountain, Linden, Howard, Court, Blank, 12th and Liberty Sts.

Allentown, *Old Fairgrounds Historic District (CHD)*, Bounded by Tilghman, Levan, Gordon and Morris

TENNESSEE

Lincoln County

Fayetteville, *Fayetteville Historic District (CHD)*, Roughly bounded by Lincoln Ave., Edison, Franklin and Campbell Sts.

TEXAS

Bexar County

San Antonio, *Alamo Plaza Historic District (CHD)*, Roughly bounded by Houston, E. Commerce, Broadway and N. Presa

Wichita County

Wichita Falls, *Depot Square Historic District (CHD)*, Roughly bounded by the F.W.&D. Railroad, Indian Ave., 7th and 8th Sts.

VIRGINIA

Norfolk County

Norfolk, *Ghent Historic District (CHD)*, Roughly bounded by Dundaff, Olney, Duke, Grace, Virginia Beach Blvd., Brambleton and Yarmouth

Norfolk, *West Freemason Historic District (CHD)*, Roughly bounded by Brambleton Ave., Bousch St., W. Freemason St. and the Eastern Branch of the Elizabeth River

Petersburg (Independent City)

Old Town Historic District (CHD), Roughly bounded by the Appomattox River, Fifth St., West Bank St., Commerce St., and Canal St.

Roanoke (Independent City)

Market Area Historic District (CHD), Roughly bounded by Williamson, Church, Jefferson, and Norfolk

WISCONSIN

Dane County

Madison, *Mansion Hill Historic District (CHD)*, Roughly bounded by Lake Mendota, Butler, Gorham, Gilman, Henry, and Carroll Sts.

[FR Doc. 84-23353 Filed 9-4-84; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-4 (Sub. 3X)]

Cadillac & Lake City Railway Co.; Abandonment in Wexford and Missaukee Counties, MI; Exemption

The Cadillac & Lake City Railway Company (CLC) filed as notice of exemption on August 16, 1984, under 49 CFR Part 1152, Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 0.0 at Missaukee Jct., in Wexford County, MI, and milepost 4.5 at Round Lake Jct., in Missaukee County, MI, a distance of 4.5 miles.

CLC has certified that (1) no local traffic has moved over the line for at least 2 years and overhead traffic is not moved over the line, and (2) no formal complaint filed by a user of rail service over the line (or by a State or local entity acting in behalf of such user) regarding cessation of service over the line is either pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Michigan Department of Transportation 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 employee 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 affective October 5, 1984, unless stayed pending reconsideration. Petitions to stay the effective date of the exemption must be filed by September 17, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 25, 1984, with: Office of the Secretary, Interstate Commerce Commission, Case Control Branch; Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Clifford F. Lenten, Cadillac & Lake City Railway Company, 121 E. Pikes Peak Avenue, Suite 335; Colorado Springs, CO 80903.

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 the exemption is conditioned upon environmental or public use conditions.

Decided: August 21, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-23427 Filed 9-4-84; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-167X)]

Chicago and North Western Transportation Co.; Abandonment Exemption Between De Kalb and Sycamore, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Chicago and North Western Transportation Company of 3.8 miles of track in De Kalb County, IL, subject to standard labor protection.

DATES: This exemption shall be effective on October 4, 1984. Petitions to stay must be filed by September 17, 1984, and petitions for reconsideration must be filed by September 25, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-1 (Sub-No. 167X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Robert T. Opal, One Northwestern Center, Chicago, IL 60606.

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 28, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Cradison. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 84-23425 Filed 9-4-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-76)]

Southern Pacific Transportation Co.; Abandonment in Butte County, CA

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon 3.308 miles of rail line between milepost 185.692 at or near Chico and milepost 189.000 at or near Butte Creek, in Butte County, CA.

The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section. AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-23426 Filed 9-4-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-22]

Tilman J. Bentley, D.O.; Revocation of Registration

On August 16, 1982, the Drug Enforcement Administration [DEA] issued an Order to Show Cause initiating proceedings to revoke the DEA Certificate of Registration, AB3814666, of Tilman J. Bentley, D.O. [Respondent], of Farmington, Missouri. The Order to Show Cause was predicated upon Dr. Bentley's conviction, in the United States Distirct Court for the Eastern District of Missouri, on one count of conspiring to illegally manufacture methaqualone, then a Schedule II controlled substance, and one count of unlawfully possessing punches and dies designed to imprint tablets with the markings associated with the methaqualone product "Quaalude." These were felony offenses under 21 U.S.C. 841(a)(1), 843(a)(5) and 846. The Respondent filed a timely request for a hearing on the issues raised by the Order to Show Cause.

During the pendency of this matter, counsel for the Government and counsel for the Respondent entered into a stipulation whereby further proceedings would be stayed pending the outcome of the Respondent's appeal of his conviction. The parties agreed that in the event that the Respondent's conviction was affirmed, the Respondent would be deemed to have withdrawn his request for a hearing so that final aciton could be taken in this matter without the necessity of further administrative proceedings.

On April 15, 1983, the United States Court of Appeals for the Eighth Circuit affirmed the Respondent's conviction. See, *United States* v. *Bently*, 706 F.2d 1498. Subsequently, on May 21, 1984, the United States Supreme Court denied Dr. Bentley's petition for a writ of certiorari. 104 S. Ct. 2397. Accordingly, all appeals of the Respondent's conviction have been concluded and the conviction has been affirmed.

The Administrator finds that the Respondent, an osteopathic physician, participated in a conspiracy to clandestinely manufacture methaqualone and to produce counterfeit Quaalude tablets therefrom. These activities which led to Dr. Bentley's conviction demonstrated his willingness to disregard not only the law, but also his professional responsibility to advance and protect the public health. The Drug Enforcement Administration has consistently held that controlled substance felony offenses which are unrelated to a registrant's professional practice demand the same sanctions as those offenses which are so related. See, for example, *Aaron Moss, D.D.S.*, Docket No. 80-2, 45 FR 72850 (1980), where a dentist was denied registration after he was convicted of acting as a courier smuggling cocaine into this country, and *Raymond H. Wood, D.D.S.*, where a dentist's registration was revoked after he had been convicted of conspiring to possess with intent to distribute large quantities of marijuana. Such activities on the part of registrants who have a duty to see that controlled substances are used responsibly and strictly for medical purposes cannot be tolerated. There is a lawful basis for the revocation of the Respondent's DEA registration and that registration must be revoked. 21 U.S.C. 824(a)(2).

Accordingly, pursuant to the authority vested in the Attorney General by sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, as redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that DEA Certificate of Registraton AB3814666, previously issued to Tilman J. Bentley, D.O. be, and it hereby is, revoked, effective immediately. Any pending application for renewal of such registration is hereby denied.

Dated: August 28, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-23444 Filed 9-4-84; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 84-14]

Scott J. Loman, D.D.S., San Francisco, CA; Hearing

Notice is hereby given that on April 23, 1984, the Drug Enforcement Administration, Department of Justice, issued to Scott J. Loman, D.D.S., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on December 12, 1983, for

registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, September 11, 1984, in the U.S. Tax Court Courtroom, Federal Building, Room 2041, 450 Golden Gate Avenue, San Francisco, California.

Dated: August 29, 1984.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 84-23445 Filed 9-4-84; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application; Wyeth Laboratories, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 11, 1984, Wyeth Laboratories, Inc., 611 East Nield Street, West Chester, Pennsylvania 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug and Schedule

Pethidine (meperidine) (9230)—II
Pethidine-Intermediate-A (9232)—II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than October 5, 1984.

Dated: August 27, 1984.

Gene R. Haislip,

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

[FR Doc. 84-23443 Filed 9-4-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-84-163-C]

A.A. & W. Coals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

A.A. & W. Coals, Inc., Box 392, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 12 (I.D. No. 15-07315) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The present height of coal is 47 to 50 inches, with irregularities in the roof and floor.

3. Petitioner states that the canopies could strike suspended trailing cables, creating the potential for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23402 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-177-C]

Barnes & Tucker Company; Petition for Modification of Application of Mandatory Safety Standard

Barnes & Tucker Company, 1912 Chestnut Avenue, Barnesboro, Pennsylvania 15714 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Lancashire No. 20 Mine (I.D. No. 36-00836) located in Cambria County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. The petition concern all main return entries located between the F-1 area and the No. 1 fan in the Bakerton drift. These entries have deteriorated and are inaccessible. No active section return air passes through affected areas. Petitioner states that rehabilitation of these areas would expose miners to hazardous and dangerous working conditions, resulting in a diminution of safety.

3. As an alternate method, petitioner proposes to evaluate the air entering the affected area at inlet monitoring stations. The areas will be ventilated by inletting air at the inlet monitoring stations and by leakage along the track entry. The air exiting the affected area will be evaluated at the outlet monitoring station. This air will also be evaluated by examining the fan chart of the No. 1 fan to ensure proper ventilation. Examinations of the monitoring stations will be weekly.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23397 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-136-C]

Cedar Cities Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cedar Cities Energies, Inc., c/o Progressive Training and Research, Star Route, P.O. Box 61, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710

(cabs and canopies) to its No. 1 Mine (I.D. No. 15-13606) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the No. 3 Elkhorn seam and ranges from 40 to 50 inches in height with consistent ascending and descending grades creating dips in the coal bed.

3. Petitioner states that the canopies can strike and dislodge roof supports, creating the potential of a roof fall. The canopies also limit the equipment operator's visibility, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23395 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-161-C]

Estep Coal Corporation; Petition for Modification of Application of Mandatory Safety Standard

Estep Coal Corporation, Route 4, Box 190, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 44-05059) located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The seam height varies from 43 to 48 inches.

3. Petitioner states that the use of cabs or canopies on the mine's electric face equipment would severely limit the equipment operator's visibility and result in a cramped seating position, causing the operator to lean out from the cab or canopy, exposing body parts to potential injury from a fall of roof or rib. The cabs or canopies also could strike and dislodge roof supports and electrical cables, creating the potential of a roof fall or electrocution.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23401 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-164-C]

Freeman United Coal Mining Company; Petition for Modification of Application of Mandatory Safety Standard

Freeman United Coal Mining Company, P.O. Box 100, West Frankfort, Illinois 62896 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Orient No. 4 Mine (I.D. No. 11-00628) located in Williamson County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air courses be separated from belt haulage entries and that belt haulage air not be used to ventilate active working places.

2. As an alternate method, petitioner proposes to course intake air through the belt haulage entry of the south mains from the number 3 portal to ventilate active working places. In support of this request, petitioner states that:

a. The belt entry will be separated from the air course designated as the intake escapeway with permanent-type control measures;

b. An MSHA approved carbon monoxide (CO) fire detection system will be installed to monitor the main south belt haulage entry from the No. 3 Portal;

c. If the belt air velocity is greater than 50 feet per minute and does not exceed 200 feet per minute, carbon monoxide detectors will be located at the beginning and end of the belt flight, and at intervals not to exceed 2,500 feet along the belt. If the belt air velocity is greater than 200 feet per minute, carbon monoxide detectors will be located at the beginning and end of each belt flight, and at intervals not to exceed 3,000 feet along the belt;

d. Carbon monoxide detectors will be installed in accordance with manufacturer's specifications to monitor the air travelling in the belt entry and provide a warning at a manned location when the level of CO exceeds 10 ppm above ambient;

e. Carbon monoxide detectors will be calibrated in accordance with manufacturer's specifications at the time of initial installation and at intervals not to exceed 30 days thereafter. Detectors will be examined once every 24 hours when belts are operating;

f. Carbon monoxide detecting systems that remain energized when electrical power in the mine is de-energized will be approved by MSHA as permissible or intrinsically safe;

g. In the event that the monitoring system, or any other portion thereof is rendered inoperative, the belt in the affected area may continue to operate provided that the area is continuously patrolled and monitored by a qualified person testing at frequent intervals for the presence of CO;

h. In the event either a warning signal is transmitted to the manned location or CO is detected during the patrol, employees working in by the affected area will be notified immediately and an investigation conducted.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23396 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-140-C]

H.A.T. Coal Company; Petition for Modification of Application of Mandatory Safety Standard

H.A.T. Coal Company, 113 N. Oak Street, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its No. 3 Slope (I.D. No. 36-07363) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities causes extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternate method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimumn quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternate method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23399 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-162-C]

Lovilia Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Lovilia Coal Company, R.R. #1, Box 90A, Junction, Illinois 62954 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 5 (I.D. No. 11-02774) located in Gallatin County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the use of canopies restricts the equipment operator's visibility, forcing the operator to lean out from the canopy, exposing body parts to potential injury. In addition, the canopy can strike and dislodge the roof support, increasing the chances of an accident.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23393 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-148-C]

Penelee Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Penelee Coal Company, Inc., General Delivery, Cranks, Kentucky 40820 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 3 Mine (I.D. No. 15-12324) located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible short firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. six detonators with iron leg wires 14 feet long;

g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when

installed. The pack will also be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23400 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-149-C]

SN & N Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

SN & N Coal Company, 10 East Main Street, Goodspring, Tremont, Pennsylvania 17981, has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its No. 1 Slope (I.D. No. 36-06061) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that low- and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitor continuously the grounding circuit.

2. The mine is presently abandoned and is being de-watered. There are no personnel in the mine while electrical circuits are energized. There is no high voltage at the mine. There is no portable or mobile equipment in the mine.

3. Water is pumped from the mine before or after personnel are in the mine. Pump repairs are made by outside contractors and not at the mine. Since there are no personnel in the mine during pumping, there is no chance of personnel contacting the energized frames of mining machinery which might become energized through failure of the insulation of the power conductors.

4. As an alternate method, petitioner proposes that:

a. No personnel will enter the mine while circuits are energized;

b. The pumps, which are controlled from the surface, will be locked out at the disconnect switch by the mine superintendent before personnel enter the mine; and

c. A warning sign of adequate size will be posted at the mine's entry.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 26, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23394 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-142-C]

Southern Ohio Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Southern Ohio Coal Company, P.O. Box 490, Athens, Ohio 45701 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Raccoon No. 3 Mine (I.D. No. 33-02308) located in Vinton County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure battery plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered machines.

2. As an alternate method, petitioner proposes to use metal locking devices, each consisting of a fabricated metal bracket and a metal locking device (harness snap) in lieu of padlocks to secure battery plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered machines. The metal locking device will be designed, installed and used to prevent the threaded rings securing the battery plugs to the battery receptacles from unintentionally loosening. The fabricated metal brackets will be securely attached to the battery receptacles to prevent accidental loss of the brackets. The locking device will be securely attached to the brackets to prevent accidental loss of the locking devices.

3. Petitioner states that the harness snaps will be easier to maintain than padlocks because there are no keys to be lost and dirt cannot get into the workings as with a padlock.

4. Operators of permissible, mobile, battery-powered machines affected by this modification will be trained in the proper use of the locking device, trained in the hazards of breaking battery-plug connections under load, and trained in the hazards of breaking battery-plug connections in areas of the mine where electric equipment is required to be permissible.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at the address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23398 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-160-C]

T.A.G. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

T.A.G. Coal Company, 540 N. Market Street, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 11 Slope (I.D. No. 36-07018) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c)

of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 5, 1984. Copies of the petition are available for inspection at that address.

Dated: August 27, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-23403 Filed 9-4-84; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: September 20-21, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted to the Basic Research Program: Literature/Fine Arts Panel, Division of Research Programs, for projects beginning after January 1, 1985.

Date: September 27-28, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted to the Humanities, Science, and Technology Program, Division of Research Progams, for projects beginning after January 1, 1985.

The proposed meetings 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. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and priviledged or confidential, (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings 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 about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 84-23461 Filed 9-4-84; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

Correction

In FR Doc. 84-21312 appearing on page 32133 in the issue of Friday, August 10, 1984, make the following correction in the **"DATES"** section:

1. The second meeting date reading "September 13" should read "September 14".

2. The Word "*Statue*" should read "*Status*".

BILLING CODE 1505-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Recommendation Responses

Responses from:

Aviation

Federal Aviation Administration

Apr. 29: A-83 -8 and -9: Is developing mandatory corrective action which if adopted will require fuel drains in Piper PA-11, PA-12, PA-18, PA-18A, PA-20, and PA-22 airplanes. *Mar. 19: A-83-64:* Plans to issue an Airworthiness Directive concerning fuel selector installation in Cessna airplanes. *A-83-65:* Is preparing a General Aviation Airworthiness Alerts (Advisory Circular 43-16) that describes the problems with fuel selector valve linkages in Cessna airplanes. *Mar. 19: A-82-94:* Issued Advisory Circular No. 23.807-3, Emergency Exits Openable From Outside for Small Airplanes, on January 20, 1984. Mar. 22: A-83-45: Proposes to sponsor an Aircraft Cabin Safety Seminar to provide the aviation community with the latest knowledge and thinking about cabin occupant safety with respect to design, practice, and procedures, and is updating Advisory Circular No. 121-24, Passenger Safety Information Briefing and Briefing Cards. *Mar. 28: A-81-77 through -79:* Issued Airworthiness Directive 83-03-04 effective February 17, 1983, requiring that a determination be made whether the shear heads in the float inflation valve of Bell Helicopter 206L Series aircraft have been installed incorrectly. *Mar. 28: A-84 -1 and -2:* Continues to investigate the wing root structure on certain Bellanca aircraft to determine that inspections can detect decay in the wing spars. *A-84-3:* Is developing an article for the General Aviation Airworthiness Alerts (Advisory Circular 43-16) regarding recognition of defects

in wooden structures and coverings, general inspection procedures, and a bibliography of publications which will provide maintenance personnel with detailed information. *Apr. 5: A-82-158:* Has incorporated into the initial training program at the FAA Academy handbook changes concerning the importance of air traffic controllers transmitting contaminated runway condition information. *Apr. 5: A-79-72:* Issued Amendment 23-29, a final rule, on February 23, 1984, which added 14 CFR 23.995(g) specifying that fuel tank selector valves must take a separate and distinct action to place the selector in the "OFF" position and that the selector must not pass through the "OFF" position when changing from one tank to another. *Apr. 20: A-81-90 and -91:* General Aviation Airworthiness Alerts, Alert No. 42 (Advisory Circular No. 43-16) of January 1982 emphasizes that maintenance personnel can assist their customers and other owners and operators of aircraft equipped with Emergency Locator Transmitter CIR-11-2 by requesting that they obtain and retain an updated owner's manual, Document No 950012, dated March 20, 1981, for use in the installation and operation of the units.

Railroad

Federal Railroad Administration

Apr. 30: R-83-102: Will commence a safety inquiry on issues of health and safety in the locomotive cab. *Apr. 9: R-71-6, R-72-26, R-72-32, R-72-33, R-73-30, R-75-3, R-75-38, R-76-21, R-76-24, R-76-28, R-77-13, R-79-38, R-79-39, R-80-31, R-81-69, R-83-76:* The initiatives described by the FRA's report "Railroad Passenger Equipment Safety" are responsive to these recommendations pertaining to rail passenger operations, most being related to equipment and including crashworthiness, interior design, and emergency procedures. *Apr. 5: R-83-106:* Landslide accidents are few in number and the current data reporting system accurately captures all of them. *R-83-107:* Will meet with the Federal Highway Administration to discuss the applicability of highway right-of-way construction and maintenance practices to railroad right-of-way stabilization programs and will disseminate to the railroad industry any meaningful information gleaned from the FHWA.

Association of American Railroads

Apr. 3: R-84-6: Train makeup is often difficult to control and there are several factors which inhibit the ability of the carriers to conform to guidelines which have been developed concerning the placement of loaded and empty cars. *R-84-7:* Will suggest to the chief operating officers of AAR member companies that the practices of train makeup recommended by Track Train Dynamics be followed. *Apr. 4: R-84-13 and -14:* The AAR Tank Car Committee has appointed a special task force to investigate the installation and performance of excess flow valves on DOT Specification 105, 112, and 114 tank cars.

The American Short Line Railroad Association

Mar. 30: R-84-16: Notified its members of recommendation concerning improperly positioned excess flow valve seats.

Florida East Coast Railway Company

Apr. 24: R-84-20: Has no chrome-vanadium alloy, high-strength vacuum-treated rail.

Intermodal

Research and Special Programs Administration

Apr. 6: I-79-6: Has met with the Federal Emergency Management Administration to discuss a comprehensive range of issues involved in hazardous materials accident prevention and mitigation, including the command identification and scope of authority issue. Has funded a series of local demonstration projects on Hazardous Materials Accident Prevention and Emergency Response, and final reports from two of these studies are available.

Matlack, Inc.

Apr. 10: I-83-3: Issued to its drivers a bulletin reminding them that the bill of lading and other shipping documents for hazardous materials must be readily available and recognizable to authorities in the event of an accident, emergency occurrence, or inspection.

National Fire Protection Association

May 1: I-84-1 through -3: Will inform its members of the recommendations regarding chemical protective suits, will gather information on the problem, and as a result forward a recommendation to the Standards Council for their decision.

International Association of Fire Chiefs

May 10: I-84-4: Will continue to work with the National Fire Protection Association, the International Association of Fire Fighters, the United States Fire Administration, and the American Society of Testing and Materials in the development of standards for the design and construction of chemical protective suits.

U.S. Environmental Protection Agency

May 23: I-84-5: Is working in cooperation with several Federal agencies on the issues of permeability of suit and glove materials from chemicals that would most likely be in contact with workers on waste sites or releases. Will raise this issue with the National Response Team, which has representatives from 12 Federal agencies that have responsibilities in responding to hazardous materials releases.

U.S. Department of Health and Human Services

Jun. 15: I-84-5: The National Institute for Occupational Safety and Health has been actively working with standards organizations, regulatory agencies, fire departments, and the firefighters union in efforts to develop standards and guidelines for chemical protective clothing. Has issued a worker bulletin on hazardous material incidents. A selection guide for chemical protective clothing and respirators for hazardous incidents is in final review. Is completing the developing of a chemical resistance data base.

Federal Emergency Management Agency

Aug. 16: I-84-5: Is working with several agencies and groups in the development of standards for design and construction of chemical protective suits.

Pipeline

Research and Special Programs Administration

May 26: P-82-12: Has emphasized to its regional field office personnel and State agents the importance of requiring all natural gas operators to establish hydrostatic test procedures to assure compliance with 49 CFR 192.781.

American Gas Association

Jun. 15: P-83-29: Believes that the standards committee responsible for the National Fuel Gas Code (ANSI Z223.1/NFPA No. 54) should be encouraged to develop inspection standards that could be used by local governments for buried gas piping not subject to 49 CFR Part 192. *Jul. 20: P-83-38:* Published an Operating Section Engineering Technical Note (CPR 83-4-1), Threaded Fasteners Torquing, pertaining to the proper selection, installation, and maintenance of threaded fasteners used to secure gas compressors. *P-83-39 and -40:* Advised its members to review 49 CFR 192.615, Emergency Plans, to ensure that proper procedures, both internally

and with appropriate local fire and emergency agencies, are outlined and can be implemented effectively when required.

Gas Research Institute

Jun. 29: P-84-15: Will expand its continuing research on butt-fused, socket-fused, and saddle-fused joints of polyethylene gas pipes and fittings to determine allowable limits on bending radii. *P-84-16:* Has been studying the development of nondestructive quality assurance instruments for the field evaluation of butt-fused polyethylene gas distribution piping joints. Will initiate in 1986 research in the development of a nondestructive testing device for saddle-fused joints of polyethylene gas piping.

Boston Gas Company

May 16: P-84-7: Has revised its inspection standard and procedure by including a more rigorous and frequent leak check to insure that the vent piping and diaphragm chamber system of each regulator is watertight. *P-84-8:* Will discontinue the use of unsecured weights on the diaphragm plate to prevent the lateral movements which impede proper valve operation. *P-84-9:* Constantly monitors remote pressure-recording equipment and dispatchers initiate timely corrective action should a malfunction occur. Pressure crews check local pressure-recording equipment weekly and take corrective action should a malfunction be discovered.

Marine

Massachusetts Maritime Academy

Jun. 15: M-82 -43 through -49: Action on the recommendations regarding training ship must await delivery of a vessel acquired by the Maritime Administration for use by the academy.

Federal Communications Commission

Jun. 14: M-84-12: Is continuing tests of the MARTECH Whaler EB-2BW Emergency Position Indicating Radiobeacon (EPIRB) to check the operation of the transmitter after being dropped into the water from a height of 50 to 60 feet.

Department of the Army, Corps of Engineers

Jun. 29: M-83-96: Would have to considerably expand in a comprehensive manner its knowledge of waterway conditions as they relate to vessel operations to be able to accumulate the data needed to develop an "inland navigation guide." Would support an initiative in pursuit of the goal of improving safety by the acquisition, accumulation, and publication of information that could assist pilots in navigating the inland waterways. *M-83-97:* Has instructed the North Central Division Engineer to include bridge profiles in the next revision of the Corps of Engineers publication of the Upper Mississippi River Navigation Charts.

State of Florida

Apr. 30: M-83 -76 and -77: The Department of Natural Resources' Boating Safety Bill is being considered by the Florida legislature.

C.L. Dill Co., Inc.

May 4: M-80 -49, -50, and -51: It is not normal procedure for a company supervisor or employee to be present at tank battery locations and other hazardous locations because of numerous job responsibilities. Has always had a program and does update its program of instruction and training in emergency procedures related to the work performed by the company for all waterborne employees who work in the oil fields. Holds regular safety meetings with open discussion. Procedures relating to working at tank batteries, oil or gas wells, high-pressure pipe and oil lines have been established.

International Association of Classification Societies

May 15: M-83 -89 through -92: Four of its member societies report having ships in their class which are fitted with the Hydroster Model MS-800-TE-1 steering gear, and will advise the owners of these ships of the potential problems which may arise when operating the gear with both units running simultaneously, and request that emergency instructions covering such operation be provided on board as soon as possible. As it is possible that other makes of steering gear may be subject to the same type of failure, IACS is conducting a general review of steering gear design to determine if action on a broader scope may be warranted.

Prudential Lines, Inc.

May 17: M-82 -17 and -18: Has amplified its operating instructions to ship's personnel regarding: The use of radar and plotting; use of VHF radio to avoid close quarters situations; and company policy with respect to safe navigation.

State of Georgia

May 18: M-83-76: Commissioner of Natural Resources will discuss the matter of alcohol involvement in recreational boating accidents with law enforcement personnel within his agency.

State of Colorado

May 23: M-83-76: Expects that legislation concerning operating vessels while under the influence of alcohol will be introduced in the Colorado legislature.

U.S. Navy

May 31: M-84 -20 and -21: The recommended watch position of keeping the bell book is a specific position within the special sea and anchor detail under article 630.21 used for operations in restricted waters and entering or leaving port. Navy regulations states that "a pilot is merely an advisor to the commanding officer." The Commanding Officer may delegate the "conn" but not the responsibility for safe navigation and piloting.

State of Massachusetts

Jul. 25: M-83 -76 and -77: A bill concerning the use of alcohol by recreational boaters will be refiled in the next session of the legislature.

U.S. Coast Guard

Jul. 11: M-83-56: A barge breakaway problem is best handled at the local level through mechanisms such as estalishing a regulated navigation area. The many variables from site to site virtually preclude the practicality of promulgating nationwide regulations. *M-83-57:* Intends to provide effective enforcement of its existing regulations and any new local regulations which could be expected through the use of regulated navigation areas. *May 18: M-83-93:* Have initiated a review of our casualty information to identify critical areas of the Western Rivers as recommended. Will place this as an agenda item for consideration by the Towing Safety Advisory Committee (TSAC). Is concerned that limiting the Operator of Uninspected Towing Vessels (OUTV) license to areas of a river corresponding to local knowledge might be contrary to Congressional intent associated with the Towing Vessel Operator Licensing Act. *M-83-94:* Will publish a Notice of Proposed Rulemaking concerning regulations for signals and retroreflective material on bridges. *M-83-95:* Will study the possibility of using flashing green and red lights in the navigation spans over designated main or auxiliary navigation channels. *Apr. 30: M-84-4:* Has initiated a regulatory project to update and expand the requirements in 33 CFR Subchapter N, Outer Continental Shelf Activities. One of the objectives of this project is to establish appropriate standards for all vessels engaged in OCS activities within the authority of

the Act. The need to require operating manuals on lift boats will be considered as part of this project. *May 2: M-84-5:* Because present guidance in the Marine Safety Manual (MSM, Part 30-6-20B(3)) does not emphasize older vessels including vessels over 20 years of age, it will be revised to require closer scrutiny of all older vessels. *M-84-6:* Has initiated a regulatory project to consider changing the time interval between drydock examinations on certain vessels. A proposal to require structural gauging at specified intervals on older vessels will be included in the regulatory project. *M-84-7:* The revised Volume II of the MSM will provide additional written guidance to Coast Guard inspectors for the inspection of items that have been delegated to the American Bureau of Shipping under the Load Line Regulations. Sections 6.F.1 and 2 of Volume II have been changed to reiterate the need to conduct close inspection of hatch covers and other closures during routine hull or topside inspections by Coast Guard marine inspectors. *M-84-8:* Will evaluate the design of the bilge pumping systems in the cargo holds of U.S. flag bulk carriers to determine if the systems are compatible with the cargo. *May 15: M-84-13:* Is preparing a final rule that would require Class C emergency position indicating radiobeacons (EPIRB's) on small passenger vessels on the Great Lakes and will prepare a notice of proposed rulemaking that would extend the requirement to cover coastwise vessels. *M-84-14:* Revisions to 46 CFR Subchapter T will include implementing regulations requiring operators of small passenger vessels making an offshore trip to prepare a crew and passenger list to be deposited at a suitable location ashore before departure. *M-84-15:* Has directed inspectors of charter fishing boats to make a one-time verification during their next inspection that watertight hatch closures are equipped with adequate securing devices which are being properly maintained, and will remind the boat operators of the importance of keeping hatch covers secured to preserve the watertight integrity of the hull. *M-84-16:* Proposes to change 46 CFR 185.25-1(d) to require a safety orientation announcement rather than making it optional. A requirement for operators to advise passengers of certain safety precautions will also be considered.

Note.—Single copies of these response letters are available on written request to: Public Inquires Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 14 cents per page ($1 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

August 30, 1984.

[FR Doc. 84-23410 Filed 9-4-84; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-336]

Northeast Nuclear Energy Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering granting relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to Northeast Nuclear Energy Company, which would revise the inservice volumetric examination of Reactor Coolant Pump Casing Welds for the Millstone Nuclear Power Station, Unit No. 2, located at the licensee's site in the Town of Waterford, Connecticut. The ASME Code requirements are incorporated by reference into the Commission's Rules and Regulations in 10 CFR Part 50.

Environmental Assessment

Identification of Proposed Action

By letter of May 4, 1984 the Northeast Nuclear Energy Company (NNECo) proposed an updated relief request for the volumetric inservice examination of the Millstone Unit No. 2 reactor coolant pump (RCP) casing welds because of problems encountered in complying with Section XI of the ASME Boiler and Pressure Vessel Code.

The licensee also proposed alternative examination requirements to provide for the assurance of structural reliability of the pump casing welds. The licensee's proposals are:

Code Relief Request

Pursuant to 10 CFR 50.55(a)(g)(5)(iii), relief is requested from performing the volumetric examination of the pump casing welds and visual examination of the internal pressure boundary surfaces in the pump casing.

Proposed Alternative Examination

It is proposed that a surface examination of the accessible RCP casing welds on one pump be done at the end of the first inspection interval. Additionally a visual examination of the accessible internal pressure boundary will be done when the pump is disassembled for maintenance.

The Need for the Proposed Action

Volumetric examination of the RCP casing welds or visual examination of the internal casing surfaces requires complete disassembly and draining of the reactor coolant pump. The unnecessary personnel exposure and cost that would result from the limited exam which could be performed do not warrant pump disassembly solely for examination purposes.

Environmental Impacts of the Proposed Action

Our evaluation of the proposed request for relief from the ASME Code requirements which are considered impractical and the implementation of the alternative examination indicates that these actions will give reasonable assurance that the acceptable level of quality and safety intended by the ASME Code will be satisfied.

Accordingly, post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, and there is no significant increase in occupational exposures. 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 equipment 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 to the Proposed Action

Since we have concluded that there is no measurable environmental impact associated with the proposed relief from the requirements of the ASME Code and imposition of an alternative examination, any alternatives to these actions will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested relief. This would not reduce the environmental impacts of plant operation and would result in unnecessary personnel exposure and cost to completely disassemble and drain the reactor coolant pump.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement Relating to Operation of Millstone Unit 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 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 May 4, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Waterford, Connecticut.

Dated at Bethesda, Maryland this 28th day of August 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Division of Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 84-23454 Filed 9-4-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Unit 1); Issuance of a Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision concerning Petitions dated February 2, March 1, March 23, April 12, May 3, June 21, June 22, July 11, July 16, and July 23, 1984 filed by the Government Accountability Project on behalf of the San Luis Obispo Mothers for Peace. The Petitioner requested that the Commission defer all licensing decisions on the Diablo Canyon Nuclear Power Plant, Unit 1 until a number of specified actions were taken including, *inter alia*, a comprehensive third-party reinspection of all safety-related equipment, an independent management audit and a full investigation of questions of harassment. The Petitioner alleged numerous violations of Commission requirements as the basis for its request. The petitions were referred to the Director, Office of Nuclear Reactor Regulation for treatment pursuant to 10 CFR 2.206 of the Commission's regulations and a final Director's Decision has been issued by the Director denying the Petitioner's request. The reasons for this denial are explained in the "Director's Decision under 10 CFR 2.206" (DD-84-20), which is available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Local Public Document Room at the Robert E. Kennedy Library, California Polytechnic State University, San Luis Obispo, California 93407.

A copy of the decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, takes review of the decision within that time.

Dated at Bethesda, Maryland, this 20th day of August 1984.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-23453 Filed 9-4-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co. (Comanche Peak Steam Electric Station, Units 1 and 2); Exemption

I

On July 20, 1973, the Texas Utilities Generating Company (the applicant) tendered an application for licenses to construct Comanche Peak Steam Electric Station, Units 1 and 2 (Comanche Peak or the facility) with the Atomic Energy Commission (currently the Nuclear Regulatory Commission or the Commission). Following a public hearing before the Atomic Safety and Licensing Board, the Commission issued Construction Permit Nos. CPPR-126 and CPPR-127 permitting the construction of Units 1 and 2, respectively, on December 19, 1974. Each Unit of the facility is a pressurized water reactor, combining a Westinghouse Electric Company nuclear steam supply system, located at the applicant's site in Somervell/Hood Counties, Texas, approximately 40 miles southwest of Fort Worth, Texas.

On February 27, 1978, the applicant tendered an application for Operating Licenses for each Unit of the facility, currently in the licensing review process, with Unit 1 licensing to occur in the near term.

II

The Construction Permits issued for constructing the facility provide, in pertinent part, that the facility Units are subject to all rules, regulations and Orders of the Commission. This includes General Design Criterion (GDC) 4 of Appendix A to 10 CFR 50. GDC 4 requires that structures, systems and components important to safety shall be designed to accommodate the effects of and to be compatible with the environmental conditions associated with the normal operation, maintenance, testing and postulated accidents, including loss-of-coolant accidents. These structures, systems and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, discharging fluids that may result from equipment failures, and from events and conditions outside the nuclear power unit.

By a submittal dated October 31, 1983, the applicant requested an exemption from a portion of the requirements of GDC 4 to: (1) Eliminate the need to postulate circumferential and longitudinal pipe breaks in the Reactor Coolant System (RCS) primary loop (hot leg, cold leg and cross-over leg piping); (2) eliminate the need to install pipe whip restraints and jet impingement shields associated with previously postulated breaks in the RCS primary loops and; (3) to eliminate the need to consider dynamic effects and loading conditions associated with previously postulated pipe breaks in the RCS primary loop, including jet impringement loads, cavity pressure loads, blowdown loads in the RCS and attached piping, and subcompartment pressure loads. In support of this exemption request, the applicant's submittal enclosed Westinghouse Report MT-SME-3135 (Reference 1) containing the technical basis for their request.

Based on its review of the applicant's submittal, the NRC staff requested additional information and provided comments on the reports (References 1 and 9) which were transmitted to the applicant in the form of questions by NRC letter dated March 2, 1984, (Reference 2).

By a submittal dated April 23, 1984, the applicant responded to the staff's questions (Reference 2) and provided a revision to the Reference 1 report identified as Westinghouse Report WCAP-10527 (Reference 3). In a separate submittal, also dated April 23, 1984, the applicant provided a value-impact analysis which, together with the technical information contained in the

Reference 3 report, provided a comprehensive justification for requesting a partial exemption from the requirements of GDC 4.

From the deterministic fracture mechanics analysis contained in the technical information furnished, the applicant stated that the postulated double-ended guillotine breaks (DEGB) of the primary loop coolant piping will not occur in Comanche Peak Units 1 and 2 and, therefore, need not be considered as a design basis for installing protective structures, such as pipe whip restraints and jet impingement shields, to guard against the dynamic effects associated with such postulated breaks.

By letter dated June 7, 1984 (Reference 10), the applicant clarified the scope of its request for exemption from GDC 4 requirements. Since the Westinghouse Report WCAP-10527 provided analyses encompassing other structures in both Comanche Peak Units 1 and 2, and seemed to be in conflict with the scope of the exemption requested in an earlier letter dated February 17, 1984 (Reference 11), the applicant stated in the Reference 10 letter that, although the analyses contained in the Report WCAP-10527 encompassed relief from the need to install pipe break protective devices in both Units 1 and 2, the exemption being requested pertained solely to the installation of jet impingement shields associated with such breaks in eight (8) locations per loop in Comanche Peak Unit 1, as specified in Section 4.0 of the value-impact analysis submitted by the applicant's letter dated April 23, 1984.

III

The Commission's regulations require that applicants provide protective measures against the dynamic effects of postulated pipe breaks in high energy fluid system piping. Protective measures include physical isolation from postulated pipe rupture locations if feasible or the installation of pipe whip restraints, jet impingement shields or compartments. In 1975, concerns arose as to the asymmetric loads on pressurized water reactor (PWR) vessels and their internals which could result from these large postulated breaks at discrete locations in the main primary coolant loop piping. This led to the establishment of Unresolved Safety Issue (USI) A-2, "Asymmetric Blowdown Loads on PWR Primary Systems."

The NRC staff, after several review meetings with the Advisory Committee on Reactor Safeguards (ACRS) and a meeting with the NRC Committee to Review Generic Requirements (CRGR), concluded that for certain facilities an exemption from the regulations would be acceptable as an alternative for resolution of USI A-2 for sixteen facilities owned by eleven licensees in the Westinghouse Owner's Group (one of these facilities, Fort Calhoun has a Combustion Engineering nuclear steam supply system). This NRC staff position was stated in Generic Letter 84-04, published on February 1, 1984 (Reference 4). The generic letter states that the affected licensees must justify an exemption to GDC 4 on a plant-specific basis. Other PWR applicants or licensees may request similar exemptions from the requirements of GDC 4 provided that they submit an acceptable technical basis for eliminating the need to postulate pipe breaks.

The acceptance of an exemption was made possible by the development of advanced fracture mechanics technology. These advanced fracture mechanics techniques deal with relatively small flaws in piping components (either postulated or real) and examine their behavior under various pipe loads. The objective is to demonstrate by deterministic analyses that the detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before the flaws can grow to critical or unstable sizes which could lead to large break areas such as the DEGB or its equivalent. The concept underlying such analyses is referred to as "leak-before-break" (LBB). There is no implication that piping failures cannot occur, but rather that improved knowledge of the failure modes of piping systems and the application of appropriate remedial measures, if indicated, can reduce the probability of catastrophic failure to insignificant values.

Advanced fracture mechanics technology was applied in topical reports (References 5, 6 and 7) submitted to the staff by Westinghouse on behalf of the licensees belonging to the USI A-2 Owners Group. Although the topical reports were intended to resolve the issue of asymmetric blowdown loads that resulted from a limited number of discrete break locations, the technology advanced in these topical reports demonstrated that the probability of breaks occurring in the primary coolant system main loop piping is sufficiently low such that these breaks need not be considered as a design basis for requiring installation of pipe whip restraints or jet impingement shields. The staff's Topical Report Evaluation is attached as Enclosure 1 to Reference 4.

Probabilistic fracture mechanics studies conducted by the Lawrence Livermore National Laboratories (LLNL) on both Westinghouse and Combustion Engineering nuclear steam supply system main loop piping (Reference 8) confirm that both the probability of leakage (e.g., undetected flaw growth through the pipe wall by fatigue) and the probability of a DEGB are very low. The results given in Reference 8 are that the best-estimate leak probabilities for Westinghouse nuclear steam supply system main loop piping range from 1.2×10^{-8} to 1.5×10^{-7} per plant year and the best-estimate DEGB probabilities range from 1×10^{-12} to 7×10^{-12} per plant year. Similarly, the best-estimate leak probabilities for Combustion Engineering nuclear steam supply system main loop piping range from 1×10^{-8} per plant year to 3×10^{-8} per plant year, and the best-estimate DEGB probabilities range from 5×10^{-14} to 5×10^{-13} per plant year. These results do not affect core melt probabilities in any significant way.

During the past few years it has also become apparent that the requirement for installation of large, massive pipe whip restraints and jet impingement shields is not necessarily the most cost effective way to achieve the desired level of safety, as indicated in Enclosure 2, Regulatory Analysis, to Reference 4. Even for new plants, these devices tend to restrict access for future inservice inspection of piping; or if they are removed and reinstalled for inspection, there is a potential risk of damaging the piping and other safety-related components in this process. If installed in operating plants, high occupational radiation exposure (ORE) would be incurred while public risk reduction would be very low. Removal and reinstallation for inservice inspection also entail significant ORE over the life of a plant.

IV

The primary coolant system of Comanche Peak Units 1 and 2, described in Reference 3, has four main loops each comprising a 33.9 inch diameter hot leg, a 36.2 inch diameter crossover leg and 32.14 inch diameter cold leg piping. The material in the primary loop piping is cast stainless steel (SA 351 CF8A). In its review of Reference 3, the staff evaluated the Westinghouse analyses with regard to:

—The location of maximum stresses in the piping, associated with the combined loads from normal operation and the SSE;

—Potential cracking mechanisms;

—Size of through-wall cracks that would leak a detectable amount under normal loads and pressure;

—Stability of a "leakage-size crack" under normal plus SSE loads and the expected margin in terms of load;
—Margin based on crack size; and
—The fracture toughness properties of thermally-aged cast stainless steel piping and weld material.

The NRC staff's criteria for evaluation of the above parameters are delineated in its Topical Report Evaluation, Enclosure 1 to Reference 4, Section 4.1, "NRC Evaluation Criteria", and are as follows:

(1) The loading conditions should include the static forces and moments (pressure, deadweight and thermal expansion) due to normal operation, and the forces and moments associated with the safe shutdown earthquake (SSE). These forces and moments should be located where the highest stresses, coincident with the poorest material properties, are induced for base materials, weldments and safe-ends.

(2) For the piping run/systems under evaluation, all pertinent information which demonstrates that degradation or failure of the piping resulting from stress corrosion cracking, fatigue or water hammer is not likely, should be provided. Relevant operating history should be cited, which includes system operational procedures; system or component modification; water chemistry parameters, limits and controls; resistance of material to various forms of stress corrosion, and performance under cyclic loadings.

(3) A through-wall crack should be postulated at the highest stressed locations determined from (1) above. The size of the crack should be large enough so that the leakage is assured of detection with adequate margin using the minimum installed leak detection capability when the pipe is subjected to normal operational loads.

(4) It should be demonstrated that the postulated leakage crack is stable under normal plus SSE loads for long periods of time; that is, crack growth, if any, is minimal during an earthquake. The margin, in terms of applied loads, should be determined by a crack stability analysis, i.e., that the leakage-size crack will not experience unstable crack growth even if larger loads (larger than design loads) are applied. This analysis should demonstrate that crack growth is stable and the final crack size is limited, such that a double-ended pipe break will not occur.

(5) The crack size should be determined by comparing leakage-size cracks to critical-size cracks. Under normal plus SSE loads, it should be demonstrated that there is adequate margin between the leakage-size crack and the critical-size crack to account for the uncertainties inherent in the analyses, and leakage detection capability. A limit-load analysis may suffice for this prupose, however, an elastic-plastic fracture mechanics (tearing instability) analysis is preferable.

(6) The materials data provided should include types of materials and materials specificatons used for base metal, weldments and safe-ends, the materials properties including the J–R curve used in the analyses, and long-term effects such as thermal aging and other limitations to valid data (e.g. J maximum, maximum crack growth).

V

Based on its evaluation of the analysis contained in Westinghouse Report WCAP–10527 (Reference 3), the staff finds that the applicant has presented an acceptable technical justification, addressing the above criteria, for not installing protective devices to deal with the dynamic effects of large pipe ruptures in the main loop primary coolant system piping of Comanche Peak, Units 1 and 2. This finding is predicated on the fact that each of the parameters evaluated for Comanche Peak is *enveloped* by the generic analysis performed by Westinghouse in Reference (5), and accepted by the staff in Enclosure 1 to Reference 4. Specifically:

(1) The loads associated with the highest location in the main loop primary system piping are considerably lower than the bounding loads used by Westinghouse in Reference 5, or those established by the staff as limits (e.g., a moment of 42,000 in-kips in Enclosure 1 to Reference 4).

(2) For Westinghouse plants, there is no history of cracking failure in reactor primary coolant system loop piping. The Westinghouse reactor coolant system primary loop has an operating history which demonstrates its inherent stability. This includes a low susceptibility to cracking failure from the effects of corrosion (e.g. intergranular stress corrosion cracking), water hammer, or fatigue (low and high cycle). This operating history totals over 400 reactor-years, including five plants each having 15 years of operation and 15 other plants with over 10 years of operation.

(3) The results of the leak rate calculations performed for Comanche Peak, using an initial through-wall crack are identical to those of Enclosure 1 to Reference (4). the Comanche Peak plant has an RCS pressure boundary leak detection system which is consistent with the guidelines of Regulatory Guide 1.45, and it can detect leakage of one (1) gpm in one hour. The calculated leak rate through the postulated flaw is large relative to the sensitivity of the Comanche Peak plant leak detection system.

(4) The expected margin in terms of load for the leakage-size crack under normal plus SSE loads is within the bounds calculated by the staff in Section 4.2.3 of Enclosure (1) to Reference 4. In addition, the staff found a significant margin in terms of loads larger than normal plus SSE loads.

(5) The margin between the leakage-size crack and the critical-size crack was calculated. Again, the results demonstrated that a significant margin exists and is within the bounds of Section 4.2.3 of Enclosure 1 to Reference 4.

(6) As an integral part of its review, the staff's evaluation of the material properties data of Reference 9 is enclosed as Appendix 1 to this Exemption. In Reference 9, data for ten (10) plants, including the Comanche Peak Units, are presented, and lower bound or "worst case" materials properties were identified and used in the analysis performed in the Reference 3 report by Westinghouse. The staff's upper bound of 3000 in-lb/in^2 on the applied J (refer to Appendix 1, page 6) was not exceeded; the applied J for Comanche Peak in Reference 3 was substantially less than 3000 in-lb/in^2.

In view of the analytical results presented in the Westinghouse Report for Comanche Peak (Reference 3) and the staff's evaluation findings related above, the staff concludes that the probability or likelihood of large pipe breaks occurring in the primary coolant system loop of Comanche Peak Units 1 and 2 is sufficiently low so such that such pipe breaks need not be considered as a design basis for requiring protective devices. However, the pipe whip restraints have already been installed in Unit 1, and the applicant has limited the scope of its exemption request to the installation of jet impingement shields in Unit 1 only. The requested exemption from GDC 4 is limited to exemption from the need to install jet impingement shields at specified locations in Unit 1.

The staff also reviewed the value-impact analysis provided by the applicant for not providing protective structures against postulated reactor coolant system loop pipe breaks to assure as low as reasonably achievable (ALARA) exposure to plant personnel. Consideration was given to design features for reducing doses to personnel who must operate, service and maintain the Comanche Peak instrumentation,

controls, equipment, etc. Normally, facilities and equipment are designed to *save* person-rems; however, the Comanche Peak value-impact analysis shows that the addition of protective devices for RCS pipe breaks will *cost* about 2 person-rems annually due to the slowing down of normally anticipated work, and increasing the scope of routine maintenance in radiation areas that would be involved. The analysis provides a reasonable estimate for this additional radiological cost. In view of the very low probability of pipe breaks at the specified locations covered by this exemption, the reduction of occupational exposure resulting from this exemption outweighs the potential accident exposure reduction that might result from installation of the jet impingement barriers.

VI

In view of the staff's evaluation findings, conclusions, and recommendation above, the Commission has determined that, pursuant to 10 CFR 50.12(a), this Exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the requested limited exemption from GDC 4 of Appendix A to 10 CFR Part 50, to permit the licensee not to install jet impingement shields associated with postulated pipe breaks of the eight (8) locations per loop in the Comanche Peak Unit 1 primary coolant system, as specified in Section 4.0 of the value-impact analysis submit by the applicant's letter dated April 23, 1984. This Exemption does not pertain to the installation of pipe whip restraints, already installed in Unit 1, or to the installation of pipe whip restraints and jet impingement shields in Comanche Peak Unit 2. The portion of the request Unit 2 will be dealt with in a separate NRC action.

The Commission has determined that the issuance of the exemption will have no significant environmental impact on the environment (49 FR 33945).

Dated at Bethesda, Maryland this 28th day of August 1984.

For the Nuclear Regulatory Commission.

Frank Miraglia,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

References

(1) Westinghouse Report MT-SME-3135, "Technical Bases for Eliminating Large Primary Loop Pipe Ruptures as the Structural Design Basis for Comanche Peak Unit 1 and 2," October 1983, Westinghouse Class 2 proprietary.

(2) Letter to R.J. Gary of Texas Utilities Generating Company, "Request for Additional Information Concerning Leak-Before-Break Analysis for Comanche Peak Steam Electric Station (Units 1 and 2)," dated March 2, 1984.

(3) Westinghouse Report WCAP-10527, "Technical Bases for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis for Comanche Peak Units 1 and 2," April 1984, Westinghouse Class 2 proprietary.

(4) NRC Generic Letter 84-04, "Safety Evaluation of Westinghouse Topical Reports Dealing with Elimination of Postulated Breaks in PWR Primary Main Loops," February 1, 1984.

(5) Mechanistic Fracture Evaluation of Reactor Coolant Pipe Containing a Postulated Circumferential Throughwall Crack, WCAP-9558, Rev. 2, May 1981, Westinghouse Class 2 proprietary.

(6) Tensile and Toughness Properties of Primary Piping Weld Metal for Use in Mechanistic Fracture Evaluation, WCAP-9787, May 1981, Westinghouse Class 2 proprietary.

(7) Westinghouse Response to Questions and Comments Raised by Members of ACRS Subcommittee on Metal Component During the Westinghouse Presentation on September 25, 1981, Letter Report NS-EPR-2519, E.P. Rahe to Darrell G. Eisenhut, November 10, 1981, Westinghouse Class 2 proprietary.

(8) Lawrence Livermore National Laboratory Report, UCRL-86249, "Failure Probability of PWR Reactor Coolant Loop Piping," by T. Lo, H.H. Woo, G. S. Holman and C.K. Chou, February 1984 (Preprint of a paper intended for publication).

(9) Westinghouse Report WCAP-10456, "The Effects of Thermal Aging on the Structural Integrity of Cast Stainless Steel Piping for Westinghouse Nuclear Steam Supply Systems," November 1983, Westinghouse Class 2 proprietary.

(10) Texas Utilities Generating Company letter TXX-4197, "Request for Partial Exemption" (H.C. Schmidt to B.J. Youngblood) dated June 7, 1984.

(11) Texas Utilities Generating Company letter TXX-4118, "Request for Partial Exemption," (R.J. Gary to B.J. Youngblood) dated February 17, 1984.

References

Note.—Non-Proprietary versions of References 1, 3, 5, 6, 7 and 9 are available in the NRC Public Document Room as follows: (1) MT-SME-3136, (3) WCAP 10528, (5) WCAP 9570, (6) WCAP 9788, (7) Non-proprietary version attached to the Letter Report, (9) WCAP 10457.

[FR Doc. 84-23451 Filed 9-4-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-266]

Wisconsin Electric Power 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 Section XI of the ASME Boiler and Pressure Vessel Code as specified by the provisions of 10 CFR 50.55a(b) to Wisconsin Electric Power Company (the licensee), for the Point Beach Nuclear Plant Unit No. 1, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

Environmental Assessment

Identification of Proposed Action

The action would provide relief from the requirement to perform surface examinations of the safety injection reducer-to-safe end welds as required by Section XI of the ASME Boiler and Pressure Vessel Code which has been incorporated by reference in the requirements of 51 CFR 50.55a relating to Inservice Inspection of Safety Related Components. Volumetric examinations of these welds would be performed every 10 years as required.

The Need for the Proposed Action

The proposed relief is required because surface examinations of these welds are not possible due to the inaccessibility of the weld surfaces. The welds are located between the reactor vessel and the biological shield wall.

Environmental Impacts of the Proposed Action

The proposed relief is allowed by the provisions of 10 CFR 50.55a(g)(6)(i) where the tests or examinations required by the code are determined impractical to perform. As the surfaces of the welds in question are inaccessible, a surface examination has been determined by the licensee and evaluated by the Commission as impractical to perform. The staff has determined that the required volumetric inspection of the welds once every 10 years will provide adequate assurance of the structural integrity of the welds. Identical relief to that requested for Unit 1 was provided for Point Beach Unit 2 by the Commission's Safety Evaluation and letter of March 29, 1984.

Consequently, as the Commission has determined that the welds will retain adequate structural integrity utilizing the licensee's proposed alternate examination (volumetric examination once every 10 years), the probability of weld failure has not been increased significantly and the consequences of post-weld failure radiological releases will not be greater than previously determined nor does the requested relief otherwise affect radiological plant effluents. Therefore, the Commission has determined that there are no significant radiological environmental impacts associated with the requested relief.

With regard to potential non-radiological impacts, the requested 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 non-radiological environmental impact. Therefore, the Commission has determined that there are no significant non-radiological environmental impacts associated with the requested relief.

Alternative Use of Resources

This action involves no use of resources not considered in the Final Environmental Statement (construction permit and operating license) for the Point Beach Nuclear Plant Unit No. 1.

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 requested 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 January 13, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., and at the Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland, this 27th day of August 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-23452 Filed 9-4-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on GESSAR II; Meeting

The ACRS Subcommittee on GESSAR II will hold a meeting on September 20 and 21, 1984, at the Bayview Plaza Holiday Inn (213/399-9344), 530 Pico Blvd., Santa Monica, CA.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, September 20, 1984—8:30 a.m. until the conclusion of business.

Friday, September 21, 1984—8:30 a.m. until the conclusion of business.

The Subcommittee will continue the review of the General Electric Standard Safety Analysis Report to extend the Final Design Approval so that it will be applicable to future plants. This meeting is expected to be the first in a series of meetings to review GESSAR II. This meeting will tentatively address deterministic/standard review plan type issues which will be covered in the Staff's August 1984 SER, Supplement 2 (NUREG-0979). Other topics to be discussed may include the GESSAR evolution, evaluations of unresolved safety issues, generic items, and new design features. Meetings to review the severe accident probabilistic risk asessment will be scheduled later.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS member, Mr. Richard Major (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 30, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 84-23450 Filed 9-4-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island Unit 2 (TMI-2) will be meeting on September 19, 1984, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania 17101. The meeting will be open to the public.

At this meeting the Panel will receive a presentation from the NRC staff on the staff's findings relative to the issue of alleged harassment by the licensee's management of specific individuals in the employment of GPUNC over issues of health and safety. The Panel will then hold a general discussion on alleged harassment of employees by management over issues of health and safety at TMI-2. The licensee will also provide the Panel with an update on anticipated funding of the cleanup effort for calendar year 1985 and beyond. The Panel will report on any issues relative to the TMI-2 cleanup effort contained in specific TMI-1 restart NRC Commission Meeting transcripts.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492-7466.

Dated: August 29, 1984

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-23449 Filed 9-4-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval: Form S-14, No. 270-65.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (35 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of clearance Form S-14, Securities Act of 1933 registration form for securities to be offered in certain transactions under Securities Act Rule 145. The form provides a basis for the Commission to fulfill its statutory responsibility of requiring the filing of a registration statement making publicly available information regarding such securities.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Shirley E. Hollis,

Acting Secretary.

August 23, 1984.

[FR Doc. 84-23413 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval: Form S-15, No. 270-66.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (35 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of clearance Form S-15, Securities Act of 1933 registration form for registration of securities to be offered in certain business combination transactions. The form provides a basis for the Commission to fulfill its statutory responsibility of requiring the filing of a registration statement making publicly available information regarding such securities.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Shirley E. Hollis,

Acting Secretary.

August 23, 1984.

[FR Doc. 84-23412 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14111; 812-5869]

Capital Investments, Inc.; Application for an Order

August 28, 1984.

Notice is hereby given that Capital Investments, Inc. ("Applicant"), 744 North Fourth Street, Suite 400, Milwaukee, Wisconsin 53203, a closed-end internally managed investment company, filed an application on June 8, 1984 for an order pursuant to section 23(c)(3) of the Investment Company Act of 1940 ("Act") permitting Applicant to repurchase certain of its shares from two shareholders. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of section 23(c)(3).

According to the application, Marshall & Ilsley Corporation ("M&I"), a bank holding company, and constituent bank corporations owned by it own 145,800 shares of Applicant's common stock (the "M&I Shares"), which constitutes 22% of Applicant's outstanding common stock. M&I has formed its own venture capital firm which will operate in the same general geographic market area as Applicant, and believes that its continued ownership of the M&I Shares may create conflict of interest situations. Accordingly, M&I has entered into an agreement with Applicant whereby Applicant will repurchase the M&I Shares at a price of $2.00 per share. Geuder, Paeschke & Frey Company ("GPF") is the owner of record of 56,648 shares of Applicant's common stock (the "GPF Shares") which constitutes 8.6% of the outstanding common stock. These shares were pledged by GPF to the Harris Trust & Savings Bank of Chicago, Illinois ("Harris Trust"). GPF, a Wisconsin corporation, is currently having its assets liquidated by a trustee under Chapter VII of the Federal bankruptcy laws. In connection with the liquidation proceedings, the trustee and Harris Trust advised Applicant that they were interested in disposing of the GPF Shares. Thereafter, the parties agreed that the Applicant would purchase the GPF Shares for $2.00 per share.

Applicant represents that no brokerage commission is being paid by Applicant in connection with the two proposed purchases; the proposed transactions have been approved by its directors, including a majority of the directors who are not interested in the transactions; and the proposed transactions are permitted under Wisconsin corporate law. Additionally, Applicant represents that it has sufficient idle funds to pay for the M&I Shares and the GPF Shares without in any way adversely affecting its business position.

Applicant submits that the proposed transactions are in the best interests of Applicant and its shareholders and that the proposed purchases are being made in a manner and on a basis which do not unfairly discriminate against any holders of its common stock. Applicant states that although its common stock is traded over-the-counter, the market is thin and there is actually little trading. It would be difficult for either M&I or GPF to dispose of Applicant's stock in the market, even over a period of time. Further, any such sales in the market could depress the market value of Applicant's stock for a considerable period of time. According to Applicant, during the 16 months ending April 30, 1984, the high bid price for its stock was $3.50, and the low bid price was $2.37. At December 31, 1983, the net asset value per share of the Applicant's Common Stock was $6.69, and at April 30, 1984, the net asset value per share of Applicant's common stock was $6.88. Accordingly, Applicant submits that it and its remaining shareholders will benefit from the proposed transactions because the purchase price will not cause the dilution of the interest of other shareholders, but will, instead, enhance their equity by the amount of the discount.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 21, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-23419 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14114; 811-3184]

Continental Assurance Co.; CNA Variable Account; Filing of Application

August 28, 1984.

Notice is hereby given that Continental Assurance Company CNA Variable Account ("Applicant"), CNA Plaza, Chicago, Illinois, 60685, an open-end, diversified management company registered under the Investment Company Act of 1940 (the "Act"), filed an application on March 9, 1984, pursuant to section 8(f) of the Act, for an

order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that the Applicant filed a registration statement which became effective on October 22, 1982, but that no public offering of the contracts has commenced. The Applicant states that it has one security holder, Continental Assurance Company, and that final distribution of its assets will be made shortly after entry of a formal deregistration by the Commission. The Committee of the Applicant resolved on March 5, 1982 that the form be prepared and all other actions necessary or appropriate to obtain an order from the Commission declaring that the Applicant has ceased to be an investment company be taken.

Notice is further given that any interested person may, not later than September 21, 1984, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will received any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-23415 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14117; 812-5917]

Great-West Life & Annuity Insurance Co., et al.; Filing of Application

August 29, 1984.

Notice is hereby given that Great-West Life and Annuity Insurance Company ("GWL&A"), 1675 Broadway, Denver, Colorado, 80202, and Maxim Series Account ("Series Account"), a separate account of GWL&A registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (collectively "Applicants"), filed an application on August 14, 1984 for an order pursuant to section 6(c) of the Act granting exemptions from the above referenced provisions of the Act to the extent necessary to permit transactions described in the application. All interested persons are referred to the application for the complete representations of the Applicants, which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants propose that they be granted an exemption from sections 26(a) and 27(c)(2) to allow as a deduction from the contract value a daily charge for expense risks equal on an annual basis to .40% of daily net assets. Applicants were previously granted an order of exemption (Investment Company Act Release No. 12392, April 21, 1982) permitting a deduction from the contract value of a daily charge for expense risks equal on an annual basis to .25% of daily net assets. The purpose of this application is to obtain exemptive relief for the additional expense risk charge of .15%. Applicants represent that the increased expense risk charge is intended to compensate them for greater costs in administering the contracts due to two new features of the contracts which allow for additional purchase payments to be made throughout the accumulation period and which lower the minimum amount of any such additional payment. The higher expense risk charge will apply only to contracts issued after the effective date of a post-effective amendment to the Series Account's registration statement authorizing the higher charge.

Applicants assert that the mortality and expense risk charge (which would be equal on an annual basis to 1.40% of daily net assets) is consistent with the protection of investors standard set forth in section 6(c) as it is reasonable as determined by industry practice with respect to comparable annuity products. Applicants represent that they have reviewed publicly available information about similar industry practices, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. They further represent that the data supporting and setting forth this conclusion will be maintained on file at GWL&A's administrative offices. Applicants acknowledge that some portion of the mortality and expense risk charge may be utilized to meet sales expenses which exceed the contingent deferred sales charge which may be imposed. In this connection, GWL&A represents that it has concluded that there is a reasonable likelihood that the Series Account's distribution financing arrangement will benefit the Account and contractowners and that it will maintain and make available to the Commission upon request a memorandum setting forth the basis for this representation. The Series Account represents that it will invest only in open-end management which have undertaken to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 21, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-23411 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23402; 70-7007]

Vermont Yankee Nuclear Power Corp.; Proposal to Issue and Sell Short-Term Notes to Banks

Vermont Yankee Nuclear Power Corporation ("Company"), R.D. 5, Ferry Road, Box 169, Brattleboro, Vermont, 05301 a nuclear power generating

subsidiary of New England Electric System and Northeast Utilities, registered holding companies, has proposed a transaction pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rule 50(a)(2) thereunder.

The Company currently maintains lines of credit with banks aggregating $16 million, which are authorized under the Commission's current order through August 31, 1984. As of June 30, 1984, the Company had $770,000 outstanding under those lines. As of that date, 5% of the principal amount and par value of the other securities of the Company equaled $7.3 million.

During the balance of 1984, 1985, and early 1986, the Company will be receiving shipments of uranium for ultimate fabrication into nuclear fuel for its reactor and will be making substantial capital improvements, which could necessitate payments exceeding the aggregate credit available under the Company's Nuclear Fuel Sale Agreement (HCAR No. 22255, October 30, 1981) and the Eurodollar Credit Facility (HCAR No. 23270, April 3, 1984). Therefore, it proposes to maintain with banks its lines at a maximum of $16 million. Borrowings under the lines of credit will be evidenced by the Company's promissory notes, maturing up to 360 days after their date of issue and bearing interest at a rate of interest not greater than each lender's prime rate plus 0.25%. Certain of the banks require the Company to maintain compensatory balances or pay commitment fees equal to not more than 7% or 0.75%, respectively, of the lines and other bank lenders may require similar arrangements. Assuming full borrowings under the lines and a prime rate of 13% per annum, the maximum effective costs of borrowings would be 13.98%.

Therefore, the Company is seeking Commission authorization for these short-term borrowings (which would exceed 5% of the principal amount and par value of other securities of the Company) During the period extending to February 28, 1986. The Company presently anticipates that these borrowings will be repaid during such period by internally generated funds or by permanent financing.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 21, 1984 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service by (affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact of law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-23416 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21277; File No. SR-Phlx-84-16]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Philadelphia Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 17, 1984, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Phlx proposes to amend Regulation 4 of its Regulation and Assessment Schedule enacted under Phlx Rule 60 to include in the Exchange prohibition against fighting on the trading floor "any other form of physical abuse" which technically may not be considered fighting. In addition, the Exchange proposes to assess the $500 fine under the current regulation for all such disorderly conduct. Under the proposed amendment, members or employees of members would be subject to a $500 fine for every instance of fighting or any other form of physical abuse on the trading floor. According to the Exchange, the proposed rule change is based on Section 19(d) of the Act, and specifically on paragraph (c) of Rule 19d-1 thereunder, in that it amends a Phlx rule relating to personal decorum on the trading floor.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-84-16.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-23414 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 28, 1984.

The above named national securities exchanges has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Adams-Millis Corporation
  Common Stock, Par Value (File No. 7-7817)
ALLTEL Corporation
  Common Stock, $1.00 Par Value (File No. 7-7818)
Bairnco Corporation
  Common Stock, $.10 Par Value (File No. 7-7819)

Buttes Gas & Oil Co.
Common Stock, $.10 Par Value (File No. 7-7820)
Carter Hawley Hale Stores, Inc.
Common Stock, $5.00 Par Value (File No. 7-7821)
Clevepak Corporation
Common Stock, $1.00 Par Value (File No. 7-7822)
Commonwealth Energy System
Common Stock, $4.00 Par Value (File No. 7-7823)
Compugraphic Corporation
Common Stock, $.05 Par Value (File No. 7-7824)
CP National Corporation
Common Stock, $2.50 Par Value (File No. 7-7825)
Crane Co.
Common Stock, $6.25 Par Value (File No. 7-7826)
Dennision Manufacturing Company
Common Stock, $1.00 Par Value (File No. 7-7827)
Financial Corporation of Santa Barbara
Common Stock, $1.00 Par Value (File No. 7-7828)
First City Properties, Inc.
Common Stock, $.10 Par Value (File No. 7-7829)
Hawaiian Electric Industries, Inc.
Common Stock, $6-⅔ Par Value (File No. 7-7830)
Interstate Power Co.
Common Stock, $3.50 Par Value (File No. 7-7831)
Measurex Corporation
Common Stock, Par Value (File No. 7-7832)
Mohasco Corporation
Common Stock, $5.00 Par Value (File No. 7-7833)
Moore McComack Resources, Inc.
Common Stock, $2.50 Par Value (File No. 7-7834)
Outboard Marine Corporation
Common Stock, $.30 Par Value (File No. 7-7835)
Plantronics, Inc.
Common Stock, Par Value (File No. 7-7836)
Publicker Industries, Inc.
Common Stock, $5.00 Par Value (File No. 7-7837)
Pueblo International, Inc.
Common Stock, $1.00 Par Value (File No. 7-7838)
Purolator Courier
Common Stock, $.22-⅔ Par Value (File No. 7-7839)
Reichhold Chemicals, Inc.
Common Stock, $1.00 Par Value (File No. 7-7840)
RLC Corp.
Common Stock, $1.00 Par Value (File No. 7-7841)
Ronson Corporation
Common Stock, $1.00 Par Value (File No. 7-7842)
Tyler Corporation
Common Stock, $.10 Par Value (File No. 7-7843)
Unitrode Corporation
Common Stock, $.20 Par Value (File No. 7-7844)
Wheeling-Pittsburgh Steel Corporation
Common Stock, $10.00 Par Value (File No. 7-7845)
Winn-Dixie Stores, Inc.
Common Stock, $1.00 Par Value (File No. 7-7846
Valley Industries, Inc.
Common Stock, $.01 Par Value (File No. 7-7847)
Zurn Industries, Inc.
Common Stock, $.50 Par Value (File No. 7-7848)
Aeronica, Inc.
Common Stock, $1.00 Par Value (File No. 7-7849)
Audiotronics Corporation
Common Stock, $1.00 Par Value (File No. 7-7850)
R.G. Barry Corporation
Common Stock, $1.00 Par Value (File No. 7-7851)
Canadian Marconi Company
Common Stock, Par Value (File No. 7-7852)
Custom Energy Services, Inc.
Common Stock, $.01 Par Value (File No. 7-7853)
Kinark Corporation
Common Stock, $.10 Par Value (File No. 7-7854)
Lake Shore Mines Ltd.
Common Stock, $1.00 Par Value (File No. 7-7855)
Marshall Industries
Common Stock, $1.00 Par Value (File No. 7-7856)
Restaurant Associates Industries, Inc.
Common Stock, $1.00 Par Value (File No. 7-7857)
Teleflex Incorporated
Common Stock, $1.00 Par Value (File No. 7-7858)
Total Petroleum (North America) Ltd.
Common Stock, Par Value (File No. 7-7859)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 19, 1984, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-23416 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Entex Energy Development, Ltd.
Depositary Units (File No. 7-7815)
McLean Industries, Inc.
Warrants to Purchase Common Stock (File No. 7-7816)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 19, 1984, written data, views and arguments concerning the above—referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-23417 Filed 9-4-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held September 27, 1984, at 9:30 a.m. until 1:00 p.m. in Room 8334 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Technical amendment to MBE rule on suspension and debarment
—Proposed changes in 49 CFR Part 23
—New transportation acquisition regulations

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 29, 1984.

Armando L. Mena,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 84–23432 Filed 9–4–84; 8:45 am]

BILLING CODE 4910–62–M

National Highway Traffic Safety Administration

[Docket No. IP84–8; Notice 2]

Isuzu Motors Limited; Grant Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Isuzu Motors Limited of Japan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Paragraph §5.2 (a), (b), and (c) of Standard No. 120 require rims on vehicles other than passenger cars to be marked with the designation indicating the rim's published source of nominal dimensions, rim size designation, and the symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable Federal motor vehicle safety standards. Noncompliances with these requirements exist on 1173 Isuzu Trooper and Trooper II multi-purpose passenger vehicles and trucks, covering approximately 5,865 disc wheels. Specifically, the letter indicating the source of the rim size designation is missing as is the DOT symbol. The letter "J" should have been supplied indicating the Japanese Industrial Standard, a designation made under Standard JASO C603–80 Steel Disc Wheels for Automobiles, issued by the Japanese Automobile Standards Organization (JASO). In addition, the rim size is shown in the order "of width by diameter rather than diameter by width", i.e., 6JJ X 15 rather than 15 X 6JJ.

Isuzu argued that the noncompliances are inconsequential because the noncompliances do not affect the performance of the vehicle, the rim and tires are properly matched, and correct tire sizes which match the rim are stated on the label affixed pursuant to § 5.3 of Standard No. 120.

No comments were received on the petition.

With regard to the omission of the DOT symbol, it has been agency policy for many years to treat such omissions as failures to certify compliance, rather than the type of noncompliance with a safety standard requiring notification and remedy. As for the omission of the letter "J", the rims carry the lettering "TOPY" identifying Isuzu as the rim manufacturer; any interested person, therefore, could contact Isuzu to determine from which standardization organization the published nominal dimensions could be obtained. Finally, the reversal of diameter and width on the rim is likely to result in only minimal confusion.

Accordingly, petitioner has met its burden of persuasion that the noncompliance with Standard No. 120 herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and lawyer primarily responsible for this notice are A.Y Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–42, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued: August 29, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–23431 Filed 9–4–84; 8:45 am]

BILLING CODE 4910–59–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 FR 57600, December 27, 1982), I hereby determine that three additional objects to be included in the exhibit, "van Gogh in Arles" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. (See original notice published February 29, 1984, in Vol. 49, No. 41 of the **Federal Register**, page 7489.) These objects are imported pursuant to a loan agreement between The Metropolitan Museum of Art, New York, N.Y., and the Staatliche Museen zu Berlin. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, beginning on or about September 24, 1984, to on or about December 30, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: August 30, 1984.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 84–23464 Filed 9–4–84; 8:45 am]

BILLING CODE 8230–01–M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

Sunshine Act Meetings

Federal Register
Vol. 49, No. 173
Wednesday, September 5, 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

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, September 11, 1984.

LOCATION: Third Floor Hearing Room, 1111–18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY 86 Budget

The Commission will consider issues related to the Fiscal Year 1986 Budget.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301—492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84–23547 Filed 8–31–84; 3:14 pm]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Monday, September 10, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY 86 Budget

The staff and the Commission will continue to discuss issues related to the Fiscal Year 1986 Budget.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, 301—492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84–23548 Filed 8–31–84; 3:15 pm]

BILLING CODE 6355-01-M

3

DEPARTMENT OF DEFENSE, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND DATE: 9:00 a.m., September 10, 1984.

PLACE: Uniformed Services University of the Health Sciences, Room D3–001, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

STATUS: Open.

MATTERS TO BE CONSIDERED:

9:00

Meeting—Board of Regents

(1) Oath of Office—New Board of Regents' Members; (2) Approval of Minutes—May 19, 1984; (3) Faculty Appointments; (4) Report—Admissions; (5) Report—Associate Dean for Operations: Budget; (6) Report—President, USUHS: (a) University Awards, (b) Graduate Students—Certification of Graduate Students, (c) F. Edward Hebert School of Medicine: (1) Discussion of Dedication (Dedication of the School will be held after the meeting), (2) Part III, National Board of Medical Examiners Examination Results, (d) Henry M. Jackson Foundation for the Advancement of Military Medicine, (e) Procedures and Delegations, (f) Informational Items: (1) Foreign Military Students, (2) Deployment Medicine; (7) Report—Assistant Dean for Student Affairs: USUHS Medical Student Counselling Program; (8) Comment by the Chairman of the Board of Regents.

New Business.

SCHEDULED MEETINGS: November 19, 1984.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295–3049.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–23521 Filed 8–31–84; 12:50 pm]

BILLING CODE 3810-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of September 3, 1984 and Weeks of September 10, 17, 24, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 3

Tuesday, September 4

2:00 p.m.

Discussion and Vote on Environmental Qualification of Electrical Equipment (Public Meeting)

Wednesday, September 5

10:00 a.m.

Discussion of Indian Point Probabilistic Risk Assessment (Public Meeting)

2:00 p.m.

Discussion of Commission Policy for Handling Last Minute Allegations (Public Meeting) (*Moved* from 9/6)

(Reexamination of Exemption Process meeting postponed)

Thursday, September 6

10:00 a.m.

Discussion/Possible Vote on Proposed Rule on Backfitting (Public Meeting)

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6) (New Item)

8:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Report of the Task Force on Investigations, Inspections and Adjudicatory Proceedings

b. Petition of Alabama Power Co. for Declaratory Order Interpreting Antitrust License Condition

Friday, September 7

10:00 a.m.

Affirmation/Discussion and Vote (Open Meeting/Portion may be Closed—Ex. 10)

a. Whether to Take Review of ALABs 772 & 738 (TMI–1)

b. Whether to Grant Licensee Request to Stay ALAB–772 & TMIA Requests to Lift Stay of ALAB–738

Week of September 10

Tentative

Monday, September 10

2:00 p.m.

Briefing on Steam Generator Generic Requirements (Public Meeting)

Tuesday, September 11

2:00 p.m.

Briefing on BWR Pipe Crack Report (Long Range Plan) (Public Meeting)

Thursday, September 13

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

Week of September 17

Tentative

Wednesday, September 19

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Quarterly Progress Report on Safety Goal Evaluation Report (Public Meeting)

Thursday, September 20

10:00 a.m.
Industry Views on Decommissioning (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, September 21

(NUMARC Briefing postponed)

Week of September 24

Tentative

Thursday, September 27

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado, (202) 634–1410

Robert B. McOsker,

Office of the Secretary.

August 31, 1984.

[FR Doc. 84–23567 Filed 8–31–84; 3:26 pm]

BILLING CODE 7590–01–M

5

PAROLE COMMISSION

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: Thursday, September 13, 1984—10:00 a.m.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately two cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Dated: August 30, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–23462 Filed 8–30–84; 4:43 pm]

BILLING CODE 4410–01–M

6

LEGAL SERVICES CORPORATION

Board of Directors Meeting.

TIME AND DATE: It will commence at (9:30 A.M. continue until all offical business is completed; Friday, September 14, 1984

PLACE: Tysons Corner Marriott, 8028 Leesburg Pike, Vienna, Virginia 22180.

STATUS OF MEETING: Open (A portion of the meeting is to be closed to discuss personnel, personal, criminal, Litigation, investigatory matters under 45 CFR 1622.5 (a), (d), (e), (f), (g), and (h)).

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes
—July 9, 1984
3. Report from the President
4. Report from the Operations and Regulations Committee
5. Report from the Office of Field Services
—Budget and Reorganization
6. Report from the Office of Government Relations
7. Report from the Office of Comptroller
—1986 Budget Mark
1985 Preliminary Consolidated Operating Budget
—3rd Quarter Budget Review

CONTACT PERSONS FOR MORE INFORMATION: Thomas J. Opsut, Executive Office, (202) 272–4040.

Date issued: September 4, 1984.

Donald P. Bogard

President

[FR Doc. 84–23682 Filed 9–4–84; 8:45 am]

BILLING CODE 6820–35–M

Reader Aids

Federal Register

Vol. 49, No. 173

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INFORMATION AND ASSISTANCE

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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. 5712/Pub. L. 98-411

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 (Aug. 30, 1984; 98 Stat. 1545) Price: $3.25

H.J. Res. 600/Pub. L. 98-412

To amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States. (Aug. 30, 1984; 98 Stat. 1576) Price: $1.75

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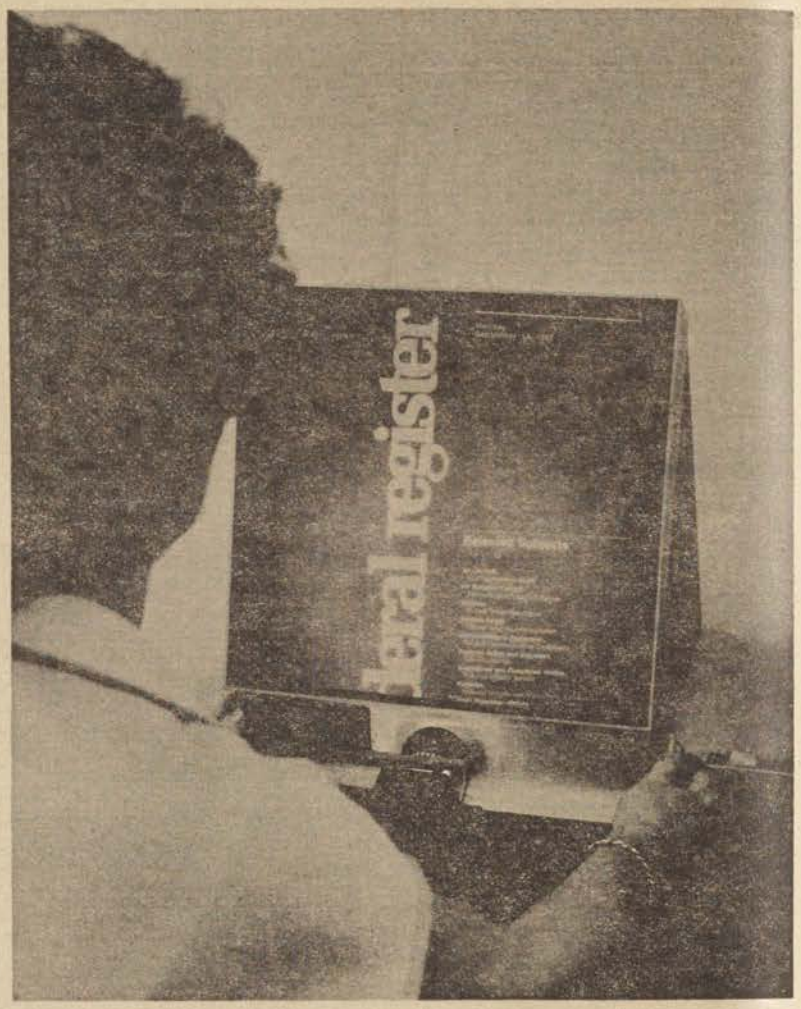

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