

# Federal Register

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Tuesday  
January 31, 1984

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## Selected Subjects

- Administrative Practice and Procedure**
  - Land Management Bureau
  - Tennessee Valley Authority
- Agricultural Commodities**
  - Agriculture Department
- Air Pollution Control**
  - Environmental Protection Agency
- Animal Diseases**
  - Animal and Plant Health Inspection Service
- Animal Drugs**
  - Food and Drug Administration
- Commodity Futures**
  - Commodity Futures Trading Commission
- Crop Insurance**
  - Federal Crop Insurance Corporation
- Endangered and Threatened Species**
  - Fish and Wildlife Service
- Excise Taxes**
  - Internal Revenue Service
- Government Procurement**
  - General Services Administration
  - Interior Department
- Grant Programs—Education**
  - Veterans Administration

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# Selected Subjects

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

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## Postal Service

Postal Service

## Radio Broadcasting

Federal Communications Commission

## Surface Mining

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## Television Broadcasting

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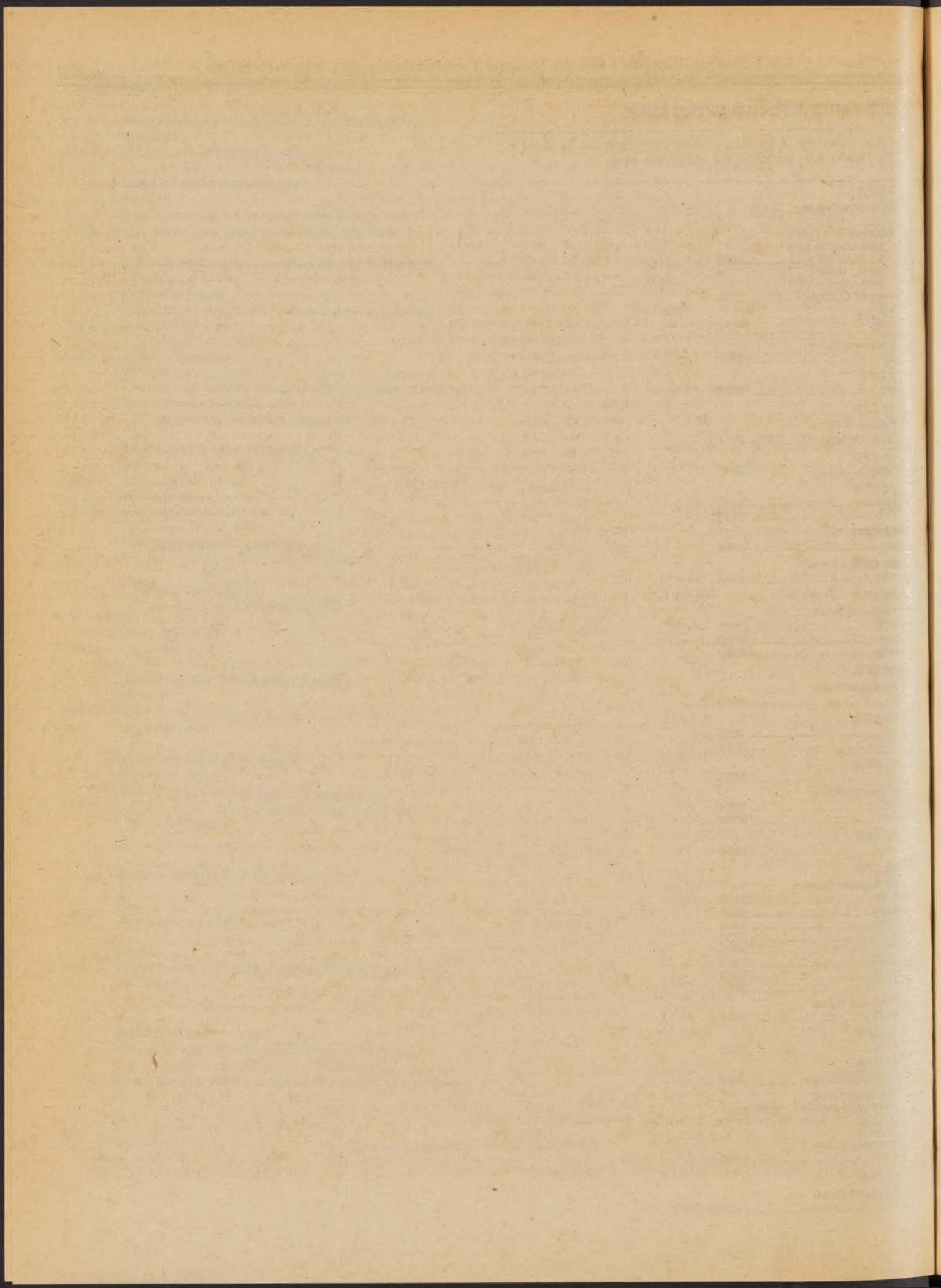
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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 445

#### Pepper Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby issues a new Part 445 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring peppers. The intended effect of this rule is to be responsive to producers growing peppers who have expressed a desire for crop insurance protection. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

**EFFECTIVE DATE:** March 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option are available upon request from Peter F. Cole.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (June 11, 1981). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of that Memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2)

this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this proposed rule applies is: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

In the past, crop insurance protection has not been available to growers producing peppers. Such crops are exposed to similar hazards as other crops insured by FCIC. Following several meetings with producers, FCIC determined that a program of crop insurance protection was needed. On February 23, 1983, the Board of Directors of FCIC, responding to requests for such an insurance program, authorized the Manager of FCIC to develop a pepper crop insurance program. The regulations contained in this proposed rule are to become effective for the 1984 and succeeding crop years in certain counties in Florida where peppers are grown. The pepper crop insurance program will offer protection against crop damage or loss due to adverse weather conditions, fire, or wildlife.

On Wednesday, July 27, 1983, FCIC published a notice of proposed rulemaking in the Federal Register at 48 FR 34051, to issue a new Part 445 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring peppers. The public was given 60 days in which to submit written comments, data, and opinions on the rule, but none were received. Therefore, with the exception of minor and non-substantive changes in language, the proposed rule as published is hereby issued as a final rule to be effective with the 1984 crop year.

#### List of Subjects in 7 CFR Part 445

Crop insurance, Peppers.

#### Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 445 Pepper Crop Insurance Regulations, effective for the 1984 and succeeding crop years, to read as follows:

#### PART 445—PEPPER CROP INSURANCE REGULATIONS

##### Subpart—Regulations for the 1984 and Succeeding Crop Years

###### Sec.

- 445.1 Availability of pepper insurance.
- 445.2 Premium rates, coverage levels, and amounts of insurance.
- 445.3 (OMB) control numbers.
- 445.4 Creditors.
- 445.5 Good faith reliance on misrepresentation.
- 445.6 The contract.
- 445.7 The application and policy.

##### Appendix A—Counties designated for Pepper Crop Insurance

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

##### Subpart—Regulations for the 1984 and Succeeding Crop Years

###### § 445.1 Availability of pepper insurance.

Insurance shall be offered under the provisions of this subpart on peppers in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which pepper insurance shall be offered.

###### § 445.2 Premium rates, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, coverage levels, and amounts of insurance which shall be shown by the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre and a coverage level from among those

levels and amounts shown by the actuarial table for the crop year.

#### § 445.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 445) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

#### § 445.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, an involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract except as provided by the policy.

#### § 445.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the pepper insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than \$100,000.00, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

#### § 445.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the pepper crop as provided by the policy. The contract shall consist of the application, the policy, the appendix, and the county

actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office.

#### § 445.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the pepper crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county by placing the extended date on file in the service office and publishing a notice in the *Federal Register* upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a pepper contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37; 400.38, first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Pepper Insurance Policy are as follows:

#### DEPARTMENT OF AGRICULTURE

#### Federal Crop Insurance Corporation

#### Pepper—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

#### Terms and Conditions

##### 1. Causes of Loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

- (1) Adverse weather conditions;
- (2) Fire; or
- (3) Wildlife

Unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(8).

b. We shall not insure against any loss of production due to:

- (1) Damage resulting from insects or disease;
- (2) The neglect or malfeasance of you, any member of your household, your tenants or employees;
- (3) The failure to follow recognized good pepper farming practices;
- (4) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;
- (5) Any cause not specified in section 1a as an insured loss;
- (6) The failure to carry out a good pepper irrigation practice, except failure of the water supply after planting due to an unavoidable cause; or
- (7) The breakdown of irrigation equipment or facilities.

##### 2. Crop, Acreage, and Share Insured.

a. The crop insured shall be peppers: (1) Which are planted for harvest as fresh market peppers; (2) in which you have a share as reported by you or as determined by us, whichever we shall elect; (3) which are grown on insured acreage; and (4) for which an amount of insurance and premium rate provide by the actuarial table.

b. The acreage insured for each crop year shall be irrigated acreage as designated by the actuarial table.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured peppers at the time of each planting period.

d. We shall not insure any acreage of peppers grown by any person if the person had not:

- (1) Grown peppers for commercial sales the previous crop year; or
- (2) Participated in the management of the pepper farming operation the previous crop year.

##### e. We do not insure any acreage:

- (1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;
- (2) Which is not irrigated;
- (3) On which peppers are not grown on plastic mulch;
- (4) On which tomatoes, peppers, eggplants or tobacco have been grown and the soil was not fumigated or properly treated before planting the peppers;
- (5) Which was planted to peppers the preceding planting period, unless the pepper plants of the preceding planting period were destroyed less than 30 days after the date of planting;

(6) Which is destroyed and which is practical to replant to peppers and such acreage is not replanted;  
 (7) Initially planted after February 15 of the crop year;

(8) Of volunteer peppers;  
 (9) Planted to a type or variety of peppers not established as adapted to the area or excluded by the actuarial table;

(10) Planted for experimental purposes; or  
 (11) Planted with a crop other than peppers.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice. You shall report at the time of each planting period on our form:

a. All the acreage of fall, winter and spring planted peppers in the county in which you have a share;

b. The practice, including the bed size; and  
 c. Your share.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any pepper plantings in the county. This report shall be submitted for each planting period on or before the reporting date established by the actuarial table. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit for each planting period the insured acreage, share, and practice or we may deny liability on any unit for any planting. Any report submitted by you may be revised only upon our approval.

4. Coverage levels and amounts of insurance.

a. The coverage levels and amounts of insurance shall be contained in the actuarial table.

b. Coverage level 2 will apply if you have not elected a coverage level.

c. You may change the coverage level and amount of insurance before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance, times the premium rate, times the insured acreage, times your share at the time of each planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE <sup>1</sup>

[Percent adjustments for favorable continuous insurance experience]

Loss ratio <sup>2</sup> through previous crop year	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
.00 to .20	100	95	95	90	90	85	80	75	70	65	65	60	60	55	50	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

Loss ratio <sup>2</sup> through previous crop year	Numbers of loss years through previous year <sup>3</sup>															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	106	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	118	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	156	180	202	224	246	268	290	300	300	300	300	300

<sup>1</sup> For premium adjustment purposes, only the years during which premiums were earned shall be considered.  
<sup>2</sup> Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.  
<sup>3</sup> Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of

previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the peppers are planted in each planting period and ends at the earliest of:

- a. Total destruction of the peppers on the unit;
- b. Discontinuance of harvest on the unit;

c. The date harvest should have started on the unit, on any acreage which will not be harvested;

d. Final harvest; or

e. Final adjustment of a loss.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:  
 (a) You want our consent to replant peppers damaged due to any insured cause (To qualify for a replanting payment, the acreage replanted shall have sustained a loss in excess of 50 percent of the plant stand on the unit and shall.); be at least the lesser of 10 acres or 10 percent of the insured acreage.

(b) During the period before harvest, the peppers on any unit are damaged and you

decide not to further care for or harvest any part of the peppers;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the peppers and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined and you are going to claim an indemnity on any unit, notice shall be given not later than 48 hours:

(a) After total destruction of the peppers on the unit;

(b) After discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not to be harvested.

b. You may not destroy or replant any of the peppers on which a replanting payment will be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the peppers which are not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the peppers on the unit;

(2) Discontinuance of harvesting on the unit; or

(3) The date harvest should have started on the unit, on any acreage which will not be harvested.

b. We shall not pay any indemnity unless you:

(1) Establish the total production and the value received for all peppers on the unit and that any loss of production or value has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance times the percentage for the stage of production defined by the actuarial table;

(2) Subtracting therefrom the total value of production to be counted (see section 9f);

(3) Multiplying this result by your share;

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total value of production to be counted for a unit shall include all harvested and appraised production.

(1) The total value shall include any amount received for peppers on the unit minus the allowable cost as designated by the actuarial table.

(2) The amount of insurance per acre shall be the value of production to count for any acreage:

(a) On which production was lost due to uninsured causes;

(b) On which recognized good pepper farming practices were not carried out;

(c) Which is abandoned without our prior written consent; or

(d) Which was put to another use without our prior written consent.

(3) The value of appraised production to be counted shall include:

(a) The value is excess of the amount of insurance per acre for potential production lost due to uninsured causes and failure to follow recognized good pepper farming practices;

(b) Unharvested production of mature green and red peppers; and

(c) Any appraised production of peppers on unharvested acreage.

(4) Unharvested peppers injured or with defects due to insurable causes which cannot be marketed shall not be counted.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of peppers becomes general in the county for the planting period;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(6) We may determine the amount and value of production of any unharvested peppers on the basis of field appraisals conducted after the end of the insurance period.

(7) The value of unsold harvested or appraised production shall be determined by multiplying such production by the simple average F.O.B. shipping point price per 1½ bushel (minus allowable marketing cost as shown by the actuarial table), as reported by the Federal-State Market News Service, for the seven consecutive market days commencing the earlier of:

(a) The date harvest starts; or

(b) The date harvest could have started, as determined by us, on any acreage which will not be harvested.

The price for such peppers shall not be less than \$7.00 per 1½ bushel minus allowable cost shown by the actuarial table.

(8) When you have elected to exclude hail and fire as insured causes of loss and the peppers are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI-78-A, "Request to Exclude Hail and Fire".

(9) The value of commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

g. A replanting payment may be made on any insured peppers replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage sustaining a loss in excess of 50 percent of the plant stand for the unit.

(1) No replanting payment shall be made on acreage on which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre shall be your actual cost for replanting, but shall not exceed the product obtained by multiplying \$175.00 by your share.

(3) Any replanting payment shall be considered as an indemnity

h. If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment and the indemnity shall be reduced proportionately.

i. You shall not abandon any acreage to us.

j. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

k. We shall pay the loss within 30 days after we reach agreement with you, or entry of a final judgment. In no instance shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

l. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the peppers are planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

m. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer or right to indemnity on insured share

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year only on our form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

### 13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

### 14. Records and Access to Farm

You shall keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all peppers produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us shall have access to such records and the farm for purposes related to the contract.

### 15. Life of Contract: Cancellation and termination

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are July 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

### 16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance at which indemnities are computed is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by April 30 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

### 17. Meaning of Terms.

For the purposes of pepper crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amount of insurance, coverage levels, premium rates, practices, insurable and uninsurable acreage, and related information regarding pepper insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the peppers are normally grown beginning August 1 and continuing through the harvesting of the spring planted peppers and shall be designated by the calendar year in which the spring planted peppers are normally harvested.

d. "Harvest" means the final picking of marketable peppers on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Mature green pepper" means a pepper which has reached the stage of development that will withstand normal handling and shipping.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Planting" means transplanting the pepper plant into the field or direct seeding in the field.

j. "Planting Period." Unless other dates are specified by the actuarial table, planting period means peppers planted:

(1) From August 1 through October 15 (fall planted);

(2) From October 16 through December 15 (winter planted); or

(3) From December 16 through February 15 (spring planted).

k. "Plant Stand" means the number of live plants per acre before the plants were damaged due to insurable causes.

l. "Replanting" means performing the cultural practices necessary to replant insured acreage to peppers.

m. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

n. "Tenant" means a person who rents land from another person for a share of the peppers or a share of the proceeds therefrom.

o. "Unit" means all insurable acreage of peppers for each planting period in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share, or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a

share in the peppers on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between you and us. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

### 18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

### 19. Determinations.

All determinations required by the policy shall be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with FCIC's Appeal Regulations.

### 20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

## Appendix A—Counties Designated for Pepper Crop Insurance

The following counties are designated for Pepper Crop Insurance under the provisions of 7 CFR 445.1.

### Crop: Peppers, State: Florida

Collier	Hendry
Glades	Lee

Done in Washington, D.C., on November 15, 1983.

Peter F. Cole,  
Secretary, Federal Crop Insurance Corporation.

Date: January 23, 1984.

Approved by:

Michael A. Bronson,  
Acting Manager.

[FR Doc. 84-2610 Filed 1-30-84; 8:45 am]

BILLING CODE 3410-08-M

## Animal and Plant Health Inspection Service

### 9 CFR Part 81

[Docket No. 84-002]

### Lethal Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

**SUMMARY:** This document revises the "Highly Pathogenic Avian Influenza" interim rule by expanding its provisions to cover certain other forms of avian influenza in addition to highly pathogenic avian influenza (all of these forms of avian influenza, including highly pathogenic avian influenza, are collectively referred to in the interim rule as "lethal avian influenza"). The revisions also include the addition of portions of Maryland and Virginia to the list of quarantined areas. This action is necessary to help prevent the spread of forms of avian influenza that can cause high levels of morbidity and mortality in poultry.

**DATES:** Effective date is January 27, 1984. Written comments must be received on or before April 2, 1984.

**ADDRESS:** Written comments should be submitted 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. William W. Buisch, Chief, National Emergency Field Operations Staff, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8973.

**SUPPLEMENTARY INFORMATION:**

**Background**

This document revises the "Highly Pathogenic Avian Influenza" interim rule which is set forth in 9 CFR Part 81. The interim rule was designed to help prevent the spread of highly pathogenic avian influenza from infected premises in Pennsylvania and New Jersey (48 FR 51422-51423, 52420-52427, 52885-52887, 53678-53679, 53679-53681, 53997, 54574-54575, 55402-55405, 55722, 57474-57475, 49 FR 368-369, 2742-2744, 3446-3448, 3494).

**Lethal Avian Influenza**

Various forms of H5 avian influenza were found to occur in the 1983 avian influenza outbreak in poultry in Pennsylvania. These forms of avian influenza included highly pathogenic avian influenza and other forms of avian influenza. Highly pathogenic avian influenza spread from Pennsylvania to a premises in New Jersey.

The interim rule was established solely to help prevent the spread of highly pathogenic avian influenza, which had been found to cause high levels of morbidity and mortality in poultry. The interim rule did not cover

other forms of avian influenza from the Pennsylvania outbreak because the other forms of avian influenza had been found to cause only mild reactions in poultry. However, it now appears that all forms of avian influenza that have resulted from the virus found in poultry in Pennsylvania, including highly pathogenic avian influenza and other forms of avian influenza, are capable of causing extremely high levels of morbidity and mortality in poultry. These forms of avian influenza that have resulted from the 1983 outbreak in poultry in Pennsylvania are the only forms of avian influenza known to produce high levels of morbidity and mortality in poultry in the United States. Therefore, in order to protect against high levels of morbidity and mortality in poultry from avian influenza, it is necessary to revise the interim rule by expanding its provisions to cover any form of H5 avian influenza virus determined by the Deputy Administrator, Veterinary Services, to have spread from the 1983 outbreak in poultry in Pennsylvania.

The forms of H5 influenza virus determined by the Deputy Administrator, Veterinary Services, to have spread from the 1983 outbreak in poultry in Pennsylvania are collectively named "lethal avian influenza."

The revised interim rule is set forth in full in the text portion of this document and is recaptioned "Lethal Avian Influenza." The interim rule is divided into four subparts: Subpart A—Definitions, Subpart B—General Provisions, Subpart C—Quarantined Area Provisions, and Subpart D—Extraordinary Emergency Provisions. These are the same provisions that were in effect prior to the effective date of this document except for changes explained below and for certain changes to reflect that the provisions are revised to cover lethal avian influenza rather than only highly pathogenic avian influenza.

**Quarantined Area Provisions**

In order to protect against the interstate spread of lethal avian influenza, it has been determined that it is necessary to establish quarantined areas based on the same criteria that were established for highly pathogenic avian influenza. Under these criteria it does not appear that it is necessary to make changes in the descriptions of the quarantined areas in New Jersey or Pennsylvania.

However, in order to help prevent the spread of lethal avian influenza it is necessary to add portions of Maryland and Virginia to the list of quarantined areas. Outbreaks of H5 avian influenza

which are causing morbidity and mortality in poultry on infected premises in Maryland and Virginia have been traced to the 1983 outbreak in Pennsylvania.

It has been determined that it is necessary that a quarantined area with infected poultry have easily understood boundary lines, include the premises where lethal avian influenza is found, and include at least a five-mile buffer zone in every direction from premises where the disease is found. Also, if the boundary line under the above criteria would be contiguous to areas containing high concentrations of poultry, it has been determined that it is necessary that the quarantined area include the contiguous areas containing high concentrations of poultry. Further, if the boundary line under the above criteria would encompass and be contiguous to large areas in which there is no poultry production, it has been determined that the quarantined areas should be adjusted to exclude any such areas.

Under the circumstances and criteria explained above, it is necessary to add the following area in Albemarle, Augusta, Frederick, Greene, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties in Virginia to the list of quarantined areas:

That portion of Virginia beginning at the intersection of U.S. Highway 250 with the Highland-Augusta County line; then southeasterly on U.S. Highway 250 to its intersection with Interstate Highway 81; then southerly along Interstate Highway 81 to its intersection with Interstate Highway 64; then southeasterly on Interstate Highway 64 to its intersection with Skyline Drive; then northerly along Skyline Drive to its intersection with U.S. Highway 340 North and State Highway 55; then westerly on State Highway 55 to the Virginia-West Virginia State line, then southwesterly along the Virginia-West Virginia State line to the Highland-Augusta County line; then southerly along the Highland-Augusta County line to its intersection with U.S. Highway 250.

It is also necessary to add the following area in Cecil County in Maryland to the list of quarantined areas:

That portion of Maryland beginning at the intersection of the Maryland, Delaware, and Pennsylvania State lines; then southerly along the Maryland-Delaware State line to its intersection with the Chesapeake and Delaware Canal; then westerly along the northern edge of the Chesapeake and Delaware Canal to its intersection with the Chesapeake Bay; then westerly along the irregular northern shoreline of the Chesapeake Bay to its intersection with the eastern edge of the mouth of the Susquehanna River; then northwesterly along the eastern edge of the Susquehanna River to its intersection with the Maryland-Pennsylvania State line; then easterly along

the Maryland-Pennsylvania State line to its intersection with the Delaware State line.

#### Effect of Designation as a Quarantined Area

With certain exceptions, the interim rule provides that the following articles designated as prohibited articles are prohibited from being moved interstate from a quarantined area:

- (1) Live poultry,
- (2) Manure from poultry, and
- (3) Litter that has been used by poultry.

The interim rule also provides, with certain exceptions, that the following articles designated as restricted articles are allowed to be moved interstate from a quarantined area only in accordance with certain conditions:

- (1) Poultry carcasses or parts thereof,
- (2) Eggs from poultry, and
- (3) Coops, containers, troughs, or other accessories that have been used in the handling of poultry or poultry eggs.

#### Extraordinary Emergency Provisions

With respect to the extraordinary emergency provisions it should be noted that these provisions are designed to apply to activities only in States for which an extraordinary emergency has been declared because of lethal avian influenza. These provisions apply to activities in New Jersey and Pennsylvania because an extraordinary emergency has been declared for these States because of lethal avian influenza.

The declaration of extraordinary emergency authorizes the Secretary to seize, quarantine, and dispose of, in such manner as he deems necessary, any animals which he finds are or have been affected with or exposed to such disease, and carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating such disease and otherwise to carry out the provisions and purposes of the Act of July 2, 1962 (21 U.S.C. 134-134h).

The interim rule contains extraordinary emergency provisions which are applicable to States for which an extraordinary emergency has been declared. In this connection, the extraordinary emergency provisions provide for inspections and seizures upon premises; disposal of poultry and other items; cleaning of pens, coops, containers, troughs, other accessories, and means of conveyance; and appraisal and payment for destruction of poultry and other items.

Also, it should be noted that under the provisions of 9 CFR Part 53 there is authority for the Department to cooperate in the control and eradication

of lethal avian influenza with States for which an extraordinary emergency has not been declared. This includes authority to pay up to 100 percent of the expenses of "purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to" lethal avian influenza.

#### Miscellaneous

The interim rule also contains provisions for determining when poultry are "infected poultry" (see the definitions of "infected poultry" and "clinical evidence" in Subpart A—Definitions of the interim rule). These provisions, which were designed for highly pathogenic avian influenza, do not need to be changed since they are also appropriate for determining when poultry are infected with lethal avian influenza.

#### Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted to protect against the spread of lethal avian influenza.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments are solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the *Federal Register*.

#### Executive Order and Regulatory Flexibility Act

The emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 and Secretary's Memorandum 1512-1 with respect to this interim rule. Immediate action is warranted to protect against the spread of lethal avian influenza.

This emergency situation also makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in

section 604 of the Regulatory Flexibility Act.

#### List of Subjects in 9 CFR Part 81

Animal diseases, Poultry and poultry products, Transportation.

Under the circumstances referred to above, 9 CFR Part 81 is revised to read as follows:

### PART 81—LETHAL AVIAN INFLUENZA

#### Subpart A—Definitions

Sec.

81.1 Definitions.

#### Subpart B—General Provisions

- 81.2 Interstate movement of infected or exposed live poultry or materials.
- 81.3 Contaminated means of conveyance, premises, containers, and other accessories; not to be used for interstate movement of poultry until cleaned and disinfected.

#### Subpart C—Quarantined Area Provisions

- 81.4 Quarantined areas.
- 81.5 Prohibited articles.
- 81.6 Restricted articles.
- 81.7 Permits for movement of restricted articles.
- 81.8 Movement by United States Department of Agriculture for diagnostic or experimental purposes; other movements.
- 81.9 (Reserved)

#### Subpart D—Extraordinary Emergency Provisions

- 81.10 Determination of extraordinary emergency; related determinations.
- 81.11 Inspections and seizures.
- 81.12 Disposal.
- 81.13 Cleaning and disinfecting.
- 81.14 Appraisal.
- 81.15 Payment.
- Authority: Sec. 2, 23 Stat. 31, as amended; secs. 4-8, 23 Stat. 31-33, as amended; secs. 1-3, 32 Stat. 791, 792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; 41 Stat. 699; sec. 2, 65 Stat. 693; secs. 2-3, 5-6 and 11, 76 Stat. 129-132; 76 Stat. 663, 7 U.S.C. 450, 21 U.S.C. 111-113, 114a-1, 115-117, 119-126, 130, 134a, 134b, 134d, 134e, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

#### Subpart A—Definitions

##### § 81.1 Definitions.

The following terms shall be construed respectively to mean:

*Clinical evidence.* Evidence, such as decreased feed and water consumption, depression, unusual movements or positions, increased mortality, hemorrhage beneath the skin on the lower legs and feet, severe decrease in egg production; post mortem lesions; and history of the disease occurrence in the flock.

*Deputy Administrator.* The Deputy Administrator, Veterinary Services, or

any other official to whom authority has heretofore been delegated or may hereafter be delegated to act in the Deputy Administrator's stead.

**Director of the Task Force.** The veterinary official of Veterinary Services designated by the Deputy Administrator to supervise and perform the disease control and eradication work of the Task Force.

**Exposed poultry.** Poultry which, through the movement of poultry, individuals, feed, or other vectors has been determined by a Federal or State inspector to have had contact, directly or indirectly, with lethal avian influenza.

**Federal inspector.** An inspector of the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, or the Food Safety and Inspection Service, United States Department of Agriculture, responsible for the performance of the function involved.

**Infected poultry.** Poultry determined by the Director of the Task Force, in such person's judgment, as being infected with lethal avian influenza on the basis of clinical evidence, epidemiological evidence,<sup>1</sup> or diagnostic tests.<sup>2</sup>

**Interstate.** From one State into or through any other State.

**Lethal avian influenza.** A disease of poultry caused by any form of H5 influenza virus that is determined by the Deputy Administrator to have spread from the 1983 outbreak in poultry in Pennsylvania.

**Moved.** Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

**Permit.** An official document issued by a State or federal inspector for interstate movement of a restricted article.

**Person.** Any individual, partnership, corporation, association, joint venture, or any other legal entity.

**Poultry.** Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl.

**State.** Any State, Territory, the District of Columbia, or Puerto Rico.

**State inspector.** An inspector of a State or a political subdivision thereof,

who is authorized by such State or political subdivision to perform the function involved.

**Task Force.** Special force of Federal and State personnel designated by the Deputy Administrator to control and eradicate lethal avian influenza.

**Veterinary Services.** The Veterinary Services unit of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

## Subpart B—General Provisions

### § 81.2 Interstate movement of infected or exposed live poultry or materials.

(a) No live poultry infected with or exposed to lethal avian influenza, no manure from such poultry, and no litter which has been used by such poultry shall be moved interstate.

(b) No carcasses or parts thereof from poultry infected with or exposed to lethal avian influenza shall be moved interstate unless heated throughout to at least 160° F. (71° C.) or unless moved interstate from a quarantined area for incineration, rendering, or burial in a landfill in accordance with § 81.6.

(c) No eggs from poultry infected with or exposed to lethal avian influenza shall be moved interstate unless moved interstate from a quarantined area for incineration, rendering, or burial in a landfill in accordance with § 81.6.

(d) Poultry coops, containers, troughs, or other accessories that have been used in the handling of poultry infected with or exposed to lethal avian influenza or in the handling of eggs from such poultry shall not be moved interstate unless cleaned and disinfected prior to movement with a permitted disinfectant specified in §§ 71.10 or 71.11 of this Subchapter.

### § 81.3 Contaminated means of conveyance, premises, containers, and other accessories; not to be used for interstate movement of poultry until cleaned and disinfected.

No means of conveyance or premises which have contained any poultry which have been found infected with lethal avian influenza, and no coops, containers, troughs, or other accessories used in the handling of such infected poultry, shall be used in connection with the interstate movement of poultry until the said means of conveyance, premises, coops, containers, troughs, or other accessories have been cleaned and disinfected under the supervision of a Federal or State inspector with a permitted disinfectant, as provided in §§ 71.4, 71.6, 71.7, 71.10, and 71.11 of this Subchapter, or with a 3 percent solution cresol compound, U.S.P.

## Subpart C—Quarantined Area Provisions

### § 81.4 Quarantined areas.

(a) The following area in Cecil County in Maryland is designated as a quarantined area: That portion of Maryland beginning at the intersection of the Maryland, Delaware and Pennsylvania State lines; then southerly along the Maryland-Delaware State line to its intersection with the Chesapeake and Delaware Canal; then westerly along the northern edge of the Chesapeake and Delaware Canal to its intersection with the Chesapeake Bay; then westerly along the irregular northern shoreline of the Chesapeake bay to its intersection with the eastern edge of the mouth of the Susquehanna River; then northwesterly along the eastern edge of the Susquehanna River to its intersection with the Maryland-Pennsylvania State line; then easterly along the Maryland-Pennsylvania State line to its intersection with the Delaware State line.

(b) The following area in Cumberland, Gloucester, and Salem Counties in New Jersey is designated as a quarantined area: That portion of New Jersey beginning at the intersection of U.S. Highway 40 with NJ Highway 55; then southerly along NJ Highway 55 to its intersection with County Road 690; then westerly along County Road 690 to its intersection with County Road 655; then northerly along County Road 655 to its intersection with County Road 639; then northwesterly along County Road 639 to its intersection with County Road 553; then northerly along County Road 553 to its intersection with U.S. Highway 40; then easterly along U.S. Highway 40 to its intersection with NJ Highway 55.

(c) The following area in Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, and York Counties of Pennsylvania is designated as a quarantined area: That portion of Pennsylvania beginning at the intersection of Interstate Highway 81 with the Pennsylvania-Maryland State Line; then northeasterly along Interstate Highway 81 to its intersection with Interstate Highway 78; then northeasterly along Interstate Highway 78 to its intersection with the Berks-Lehigh County Line; then southeasterly along the Berks-Lehigh County Line to its intersection with the Berks-Montgomery County Line; then southwesterly along the Berks-Montgomery County Line to its intersection with U.S. Highway 422; then southeasterly along U.S. Highway 422 to its intersection with PA Highway 100; then southerly along PA Highway 100 to

<sup>1</sup>Epidemiological evidence—evaluation of clinical evidence and the degree of risk posed by the potential spread of infection based on population and exposure factors.

<sup>2</sup>Protocol for such diagnostic tests can be found in the "Recommended Uniform Diagnostic Procedures" published by the Committee of the American Association of Veterinary Laboratory Diagnosticians. Copies of the test protocols may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

its intersection with the Pennsylvania-Delaware State Line; then southwesterly along the Pennsylvania-Delaware State Line to its intersection with the Pennsylvania-Maryland State Line; then westerly along the Pennsylvania-Maryland State Line to its intersection with Interstate Highway 81.

(d) The following area in Albemarle, Augusta, Frederick, Greene, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties in Virginia is designated as a quarantined area: That portion of Virginia beginning at the intersection of U.S. Highway 250 with the Highland-Augusta County line; then southeasterly on U.S. Highway 250 to its intersection with Interstate Highway 81; then southerly along Interstate Highway 81 to its intersection with Interstate Highway 64; then southeasterly on Interstate Highway 64 to its intersection with Skyline Drive; then northerly along Skyline Drive to its intersection with U.S. Highway 340 North and State Highway 55 to the Virginia-West Virginia State line, then southwesterly along the Virginia-West Virginia State line to the Highland-Augusta County line; then southerly along the Highland-Augusta County line to its intersection with U.S. Highway 250.

#### § 81.5 Prohibited articles.

(a) The following are designated as prohibited articles:

- (1) Live poultry,
- (2) Manure from poultry, and
- (3) Litter that has been used by poultry.

(b) A prohibited article shall not be moved interstate from a quarantined area.

#### § 81.6 Restricted articles.

(a) The following are designated as restricted articles:

- (1) Poultry carcasses or parts thereof,
- (2) Eggs from poultry, and
- (3) Coops, containers, troughs, or other accessories that have been used in the handling of poultry or poultry eggs.

(b) A restricted article shall not be moved interstate from a quarantined area except in accordance with the provisions in this Part.

(c) Poultry carcasses or parts thereof may be moved interstate from a quarantined area:

- (1) If from a poultry flock inspected by a Federal or State inspector prior to movement for slaughter and not found to have been exposed to lethal avian influenza or to have clinical evidence of lethal avian influenza, and if from poultry slaughtered at a federally inspected slaughtering establishment; or

(2) If heated throughout to at least 160° F. (71° C.); or

(3) If moved under the supervision of a Federal or State inspector for incineration, rendering, or burial in a landfill (the incinerator, rendering facility, or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of lethal avian influenza and must comply with the applicable laws for environmental protection).

(d) Eggs may be moved interstate from a quarantined area as follows:

(1) Poultry eggs for use as food which are from poultry not found to be infected with or exposed to lethal avian influenza may be moved interstate from a quarantined area pursuant to a permit if prior to movement they are washed free of adhering material and rinsed with warm water containing not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent, and if moved in unused flats and cases, or in plastic flats and cases washed free of adhering material since last use and rinsed with warm water containing not less than 50 p/m of available chlorine or its equivalent.

(2) Any poultry eggs may be moved interstate from a quarantined area under the supervision of a Federal or State inspector for incineration, rendering, or burial in a landfill (the incinerator, rendering facility, or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of lethal avian influenza and must comply with the applicable laws for environmental protection).

(e) Poultry coops, containers, troughs, or other accessories that have been used in the handling of poultry or poultry eggs may be moved interstate from a quarantined area if prior to movement they are cleaned and disinfected with a permitted disinfectant specified in §§ 71.10 or 71.11 of this Subchapter.

#### § 81.7 Permits for movement of restricted articles.

(a) A permit for the interstate movement of a restricted article in accordance with provisions in this Part may be obtained from a State or Federal inspector<sup>3</sup> for movement. It shall list the name and address of the consignor and consignee, the origin and destination locations, the number and type of articles covered, and the purpose of the movement.

(b) Any permit which has been issued may be withdrawn by a State or Federal

<sup>3</sup> Inspectors may be contacted at telephone numbers available from local county agricultural extension agents.

inspector or the Deputy Administrator if he/she determines that the holder thereof has not complied with any condition for the use of the permit. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

#### § 81.8 Movement by United States Department of Agriculture for diagnostic or experimental purposes; other movements.

(a) Notwithstanding other provisions in this Subchapter, a prohibited article or restricted article may be moved interstate by the United States Department of Agriculture for diagnostic or experimental purposes under conditions found by the Deputy Administrator to be adequate to prevent the spread of lethal avian influenza.

(b) Notwithstanding other provisions in this Subchapter, the Deputy Administrator may in specific cases allow the movement of prohibited articles or restricted articles interstate, other than as provided for in this Subchapter, under such conditions as the Deputy Administrator may prescribe in each case to prevent the spread of lethal avian influenza. The Deputy Administrator will promptly notify the appropriate officials of the States involved of any such action.

#### § 81.9 (Reserved)

#### Subpart D—Extraordinary Emergency Provisions

##### § 81.10 Determination of extraordinary emergency; related determinations.

Lethal avian influenza is a dangerous, communicable disease of poultry and it has been determined that an extraordinary emergency exists because of outbreaks of the disease in New Jersey and Pennsylvania, and that such outbreaks threaten the poultry of the United States and seriously burden interstate and foreign commerce. It has further been determined that adequate measures to control such outbreaks cannot be taken by New Jersey and Pennsylvania, and that the regulations

in this Subpart are necessary to enable the identification of poultry that are or have been affected with or exposed to such disease, and to seize, quarantine, and dispose of such poultry and other items, and to otherwise carry out the provisions and purposes of the Act of July 2, 1962 (21 U.S.C. 134-134h). The Secretary of Agriculture of New Jersey, and the Commissioner of Agriculture of Pennsylvania have been informed of these facts.

#### § 81.11 Inspections and seizures.

State inspectors (appointed as employees of the United States Department of Agriculture) and Federal inspectors, designated by the Deputy Administrator and identified by an official identification card, shall have authority to enter, with a warrant obtained under section 5 of the Act of July 2, 1962 (21 U.S.C. 134d), upon any premises in New Jersey and Pennsylvania for the purpose of making inspections and seizures necessary under the laws and regulations administered by the Secretary for the prevention of the introduction or dissemination of lethal avian influenza. This shall include authority for such inspectors to require that they be allowed to collect blood samples and cloacal and tracheal swabs from live poultry on such premises and to collect tissue samples and cloacal and tracheal swabs from dead poultry on such premises. Such inspectors may enter upon any premises without a warrant if the person in possession of the premises voluntarily consents to their entry.

#### § 81.12 Disposal.

(a) Whenever the Director of the Task Force finds that any poultry upon any premises in New Jersey and Pennsylvania are or have been infected with or exposed to lethal avian influenza, or that any carcasses or parts thereof, eggs, or other products or articles were so related to such poultry as to be likely to be a means of disseminating the disease, the Director of the Task Force will order the owner thereof, or the owner's agent in possession thereof, to maintain them in quarantine on such premises for such period and dispose of them within such time, and in such manner as the Director of the Task Force shall prescribe in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a). The order shall be served upon the owner of the poultry, carcasses or parts thereof, eggs, products or articles, or the owner's agent, in person by a State inspector (appointed as an employee of the United States Department of Agriculture) or by

a Federal inspector. If the owner or the owner's agent does not comply with such order, after such notice thereof, the Director of the Task Force may seize, quarantine, and dispose of the poultry, carcasses or parts thereof, eggs, products, or articles as provided in section 2 of the Act of July 2, 1962.

(b) When any poultry, carcasses or parts thereof, eggs, products, or articles are ordered to be quarantined on any premises under paragraph (a) of this section, they shall not be moved from such premises unless authorized by the Director of the Task Force.

(c) A premises quarantine shall remain in effect until the following conditions are met:

(1) All poultry on such premises are depopulated;

(2) All carcasses and parts thereof from the depopulated poultry, and any other poultry carcasses and parts thereof, eggs, products, and articles so related to the depopulated poultry as to be likely to be a means of disseminating lethal avian influenza, are disposed of by incineration, rendering, burial in a landfill or other place, or by such other means as the Deputy Administrator determines would be adequate to prevent the spread of lethal avian influenza (the incinerator, rendering facility, place of burial, or other place of disposal must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of lethal avian influenza and must comply with the applicable laws for environmental protection);

(3) The premises are found by a Federal or State inspector to have been cleaned and disinfected in accordance with § 81.13 after the carcasses or parts thereof, eggs, products, or articles are disposed of as specified in paragraph (c)(2) of this section.

(4) No live poultry are taken onto the premises for a 30-day period after the premises have been found to meet the cleaning and disinfection provisions of paragraph (c)(3) of this section, and for any additional time period determined necessary by the Director of the Task Force to ensure that the premises are free of lethal avian influenza; and

(5) The Director of the Task Force has determined (by means which may include testing with test birds and evaluation of epidemiological conditions) that lethal avian influenza has been eradicated and that the premises can be safely repopulated.

#### § 81.13 Cleaning and disinfecting requirements.

All pens, coops, containers, troughs,

other accessories, or means of conveyance found by a Federal or State inspector to have been used in the handling of any poultry or related products, carcasses or parts thereof, eggs, products, or articles subject to an order under § 81.12 shall be cleaned and disinfected in accordance with the provisions in §§ 71.7, 71.10, and 71.11 of this Subchapter, or with a 3 percent solution cresol compound, U.S.P., unless other disposal is ordered under § 81.12.

#### § 81.14 Appraisal.

Poultry, carcasses or parts thereof, eggs, products, or articles required to be destroyed in accordance with § 81.12 shall be appraised by a Veterinary Services employee. The appraisal shall be the fair market value at the time of destruction as determined by such employee.

#### § 81.15 Payment.

(a) A claim for payment for destruction of poultry, carcasses or parts thereof, eggs, products, or articles must be presented to the Director of the Task Force before payment will be made. The claimant must state whether the items for which payment is requested are, or are not, subject to a mortgage, lien, or other security or beneficial interest held by any person other than the claimant. If the claimant is the owner and states that there is no mortgage, lien, or other such interest on the items, payment will be made to the owner. If the claimant states that there is a mortgage, lien, or other such interest, a VS Form 1-23 shall be signed by the claimant and by each person holding a mortgage, lien, or other such interest on the items, consenting to the payment of any indemnity allowed to the person specified thereon, and payment will be made to such person.

(b) Section 2 of the Act of July 2, 1962 (21 U.S.C. 134a(e)) provides that:

No payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

Done at Washington, D.C., this 27th day of January 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 84-2743 Filed 1-27-84; 2:00 pm]

BILLING CODE 3410-34-M

## TENNESSEE VALLEY AUTHORITY

### 18 CFR Part 1308

#### Contract Disputes

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Final rule.

**SUMMARY:** TVA is amending the rules governing dismissal of appeals before the TVA Board of Contract Appeals (Board) under the Contract Disputes Act of 1978 (the Act). As presently stated, the Board's rules adopt the procedures of Rule 41 of the Federal Rules of Civil Procedure. Those procedures are in part inconsistent with the procedures required by the Act, and the Board's rules are being amended to eliminate the inconsistency and to state directly the appropriate procedures to be followed.

**EFFECTIVE DATE:** January 31, 1984.

**FOR FURTHER INFORMATION CONTACT:** Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, (615) 632-2241, FTS 856-2241.

**SUPPLEMENTARY INFORMATION:** The present procedural rules of the Board adopt Rule 41 of the Federal Rules of Civil Procedure to govern dismissal of appeals. Under the Act appeals to the Board under sections 7 and 8 are an alternative to, and in lieu of, direct actions in Federal district court under section 10. Board decisions (including dismissals) are final and reviewable in court only under section 8(g)(2). To ensure that the Board's procedures are clear on this matter, and to avoid confusion from the language of Rule 41, the Board's procedural rules are being amended to delete reference to that rule and to prescribe the procedure for and effect of dismissals of appeals or counterclaims by the Board. This is a clarifying amendment to a procedural rule, as to which public rulemaking proceedings are unnecessary.

For the reasons set out in the preamble and by virtue of authority granted by the Contract Disputes Act of 1978 and the Tennessee Valley Authority Act of 1933, Subpart D of Part 1308 of Chapter XIII of Title 18, Code of Federal Regulations, is amended as set forth below.

Dated: January 23, 1984.

W. F. Willis,

General Manager.

### List of Subjects in 18 CFR Part 1308

Administrative practice and procedure, Contract Disputes Act of 1978, Fraud, Government procurement, Surplus Government property, Lawyers.

#### PART 1308—[AMENDED]

1. Section 1308.32 is amended by revising paragraph (a) and adding paragraph (e) to read as follows:

##### § 1308.32 Prehearing procedures.

(a) Unless otherwise provided in this part, prehearing procedures, including discovery, shall be conducted in accordance with Rules 6, 7(b), 16, 26, 28-37, and 56 of the Federal Rules of Civil Procedure, except that the Hearing Officer may modify those Rules to meet the needs of the parties in a particular case.

(e) No appeal of counterclaim may be dismissed except by order of the Hearing Officer. The Hearing Officer may order at any time, with or without a motion by a party, that an appeal or counterclaim, or any part thereof, be dismissed because the matter has been settled, because the party no longer desires to pursue the matter, or because of the party's failure to prosecute the matter or to comply with the regulations in this part or with any order of the Hearing Officer. Any dismissal under this paragraph operates as an adjudication on the merits of the matter which is dismissed, and is a decision within the meaning of § 1308.23, but does not affect the Hearing Officer's jurisdiction over any matter not so dismissed.

2. Section 1308.33 is amended by revising paragraph (c) to read as follows:

##### § 1308.33 Hearings.

(c)(1) Conduct of hearings shall generally be governed by Rules 42-44, 44.1, and 46 of the Federal Rules of Civil Procedure, except that the Hearing Officer may modify those Rules to meet the needs of the parties in a particular case. The terms "court," "plaintiff," "defendant," and "action" as used in those Rules shall be deemed to have the meaning given them in § 1308.32.

(2) After the Contractor has completed the presentation of his evidence, TVA, without waiving the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the

law the Contractor has shown no right to relief. The Hearing Officer as the trier of the facts may then determine them and render a decision against the Contractor, or take the matter under advisement, or decline to render any decision until the close of all the evidence. Any decision rendered under this paragraph shall conform to § 1308.37, and is a decision within the meaning of § 1308.23.

**Authority:** The Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. 831-831dd; Contract Disputes Act of 1978, 92 Stat. 2383-2391.

[FR Doc. 84-2813 Filed 1-30-84; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 556 and 558

#### New Animal Drugs for Use in Animal Feeds; Tolerances for Residues of New Animal Drugs in Food; Fenbendazole

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Hoechst Corp., for fenbendazole premix for making medicated feed for use as an anthelmintic in swine. The regulations are also amended to establish the safe concentrations for fenbendazole residues in edible swine tissues.

**EFFECTIVE DATE:** January 31, 1984.

**FOR FURTHER INFORMATION CONTACT:** Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

**SUPPLEMENTARY INFORMATION:** American Hoechst Corp., Animal Health Division, Route 202-206 North, Somerville, NJ 08876, is sponsor of NADA 131-675 for Safe-Guard™ premixes (fenbendazole 4 percent premix and fenbendazole 20 percent premix) for making medicated swine feed. The medicated feed is to be used for the removal and control of large roundworms (*Ascaris suum*); lungworms (*Metastrongylus apri*); nodular worms (*Oesophagostomum dentatum*, *O. quadrispinulatum*); small stomach worms (*Hyostromylus rubidus*);

whipworms (*Trichuris suis*); and kidney worms (*Stephanurus dentatus*—mature and immature). The application is approved, and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary.

Additionally, the regulations are amended to establish the safe concentrations for fenbendazole residues in edible tissues of swine. The safe concentrations refer to the concentrations of total residues considered safe in edible tissues. The agency has determined that a tolerance for a marker residue in a target tissue is not necessary because the level of residues in the edible tissues would not exceed the safe concentrations even with any foreseeable misuse of the drug.

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

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects

##### 21 CFR Part 558

Animal drugs; Foods; Residues.

##### 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 556 and 558 are amended as follows:

#### PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. Part 556 is amended by revising § 556.275 to read as follows:

##### § 556.275 Fenbendazole.

(a) *Cattle*. The marker residue selected to monitor for total residues of fenbendazole in cattle is parent fenbendazole and the target tissue selected is liver. A tolerance<sup>1</sup> is established in cattle of 0.8 part per million for parent fenbendazole in liver. A marker residue concentration of 0.8 part per million in liver corresponds to a concentration for total residues of fenbendazole of 10 parts per million in liver. The safe concentrations<sup>2</sup> for total residues of fenbendazole in the uncooked edible tissues of cattle are 5 parts per million in muscle, 10 parts per million in liver, 15 parts per million in kidney, and 20 parts per million in fat.

(b) *Swine*. A tolerance<sup>1</sup> for marker residues of fenbendazole in swine is not needed. The safe concentrations<sup>2</sup> for the total residues of fenbendazole in the uncooked edible tissues of swine are 5 parts per million in muscle, 15 parts per million in liver, 20 parts per million in kidney, and 20 parts per million in skin and fat.

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. Part 558 is amended by adding new § 558.258 to read as follows:

##### § 558.258 Fenbendazole.

(a) *Approvals*. Premix levels of 4 percent (18.1 grams per pound) fenbendazole and 20 percent (90.7 grams per pound) fenbendazole to No. 012799 in § 510.600(c) of this chapter.

(b) *Assay limits*. Complete feed 75 to 125 percent of labeled amount.

(c) *Related tolerances*. See § 556.275 of this chapter.

(d) *Conditions of use*. It is used in swine feed as follows:

(1) *Amount*. 3 milligrams fenbendazole per kilogram body weight per day (1.36 milligrams per pound per day).

(2) *Indications for use*. For the removal and control of large roundworms (*Ascaris sum*); lungworms (*Metastrongylus apri*); nodular worms (*Oesophagostomum dentatum*, *O. quadrispinulatum*); small stomach worms (*Hyostromgylus*

<sup>1</sup> As used in this section: "Tolerance" refers to a concentration of a marker residue in the target tissue selected to monitor for total residues of the drug in the target animal.

<sup>2</sup> "Safe concentrations" refer to the concentrations of total residues considered safe in edible tissues.

*rubidus*); whipworms (*Trichuris suis*); and kidney worms (*Stephanurus dentatus*—mature and immature).

(3) *Limitations*. Feed as sole ration for 3 consecutive days.

*Effective date*. This regulation is effective January 31, 1984.

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

Dated: January 25, 1984.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 84-2523 Filed 1-30-84; 8:45 am]

BILLING CODE 4160-01-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### 26 CFR Part 53

[T.D. 7938]

#### Set-Asides Made by Private Foundations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

**SUMMARY:** This document provides final regulations relating to set-asides made by private foundations. Changes to the applicable tax law were made by the Tax Reform Act of 1976. This document also provides final regulations relating to certain leasing arrangements that are excepted from the self-dealing rules generally applicable to transactions between private foundations and disqualified persons. Changes to the applicable tax law were made by section 5 of the Act of December 28, 1980 (Pub. L. 96-608, 94 Stat. 3553). The regulations provide necessary guidance to foundation managers and disqualified persons for compliance with these Acts, and affect private foundations that made set-asides and certain disqualified persons leasing office space to private foundations.

**DATES:** The regulations relating to set-asides (§ 53.4942(a)-3(b)) are generally effective for taxable years beginning after December 31, 1974. The regulations relating to certain leasing arrangements excepted from the self-dealing rules (§§ 53.4941(d)-2(b) and 53.4941(d)-3(a)) are effective for taxable years beginning after December 31, 1979.

The information requirement (§ 53.4942(a)-3(b)(7)(ii)) is made effective for taxable years ending after April 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** George Baker of the Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue

Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC: EE-156-78 (202-566-3422).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 26, 1980, the Federal Register published proposed amendments to the Regulations on Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942(g)(2) of the Internal Revenue Code of 1954 (45 FR 56840). The amendments were proposed to conform the regulations to section 1302 (a) of the Tax Reform Act of 1976 (90 Stat. 1713). No public hearing was requested or held. After consideration of the comments received in response to the notice of proposed rulemaking, the amendments are adopted, as revised, by this Treasury decision.

##### Explanation of Provisions

###### *Set-Asides; In General*

Section 4942(a) imposes an excise tax on private foundations for failure to distribute income for charitable purposes. To avoid liability, a private foundation must make "qualifying distributions" each year equal to the foundation's "distributable amount." An amount "set-aside" in one year for a specific project, but actually paid out in future years, may be treated as a qualifying distribution if the requirements of section 4942(g)(2) are satisfied.

###### *Old Law*

Under section 4942(g)(2) as it existed prior to the Tax Reform Act of 1976 and § 53.4942(a)-3(b) of the regulations, a set-aside was treated as a qualifying distribution if it was approved in advance by the Commissioner of Internal Revenue. To obtain such approval, section 4942(g)(2) required a private foundation to (1) establish that the amount set-aside would be paid for the specific project within five years, and (2) establish the "suitability" of the set-aside to achieve the goals of the specific project.

###### *New Law*

As amended by section 1302 of the Tax Reform Act of 1976, section 4942(g)(2) now provides an alternative means of treating a set-aside as a qualifying distribution under which a private foundation must distribute minimum amounts of cash or its equivalent during specific "test" years.

#### Final Regulations

##### *Approval Requirements*

The regulations, as proposed, provided that a set-aside made by a private foundation must be approved in advance by the Commissioner, regardless of whether the set-aside is made under the "suitability test" or the "cash distribution test." Three comments objected to the requirement that a set-aside made under the cash distribution test be approved in advance by the Commissioner. The commentators urged that the cash distribution test was intended by Congress to permit a private foundation to make set-asides without obtaining prior Service approval. See S. Rep. No. 94-938, 94th Cong., 2d Sess. 594 (1976); H.R. Rep. No. 94-1515, 94th Cong., 2d Sess. 522 (1976).

In response to these comments, the final regulations do not require a private foundation to obtain prior Service approval for a set-aside made under the cash distribution test. Rather, the regulations require a foundation to supply certain information regarding a set-aside made under the cash distribution test with the foundation's annual information return for the taxable year in which the set-aside is made and for certain subsequent taxable years.

The regulations provide that the submission of this information will satisfy the requirement of section 4942(g)(2)(B) that a foundation establish to the satisfaction of the Commissioner that the amount set aside will be paid within 5 years. This information requirement (§ 53.4942(a)-3(b)(7)(ii)) is made effective for taxable years ending after April 2, 1984.

##### *Definition of Start-Up Period*

Under the cash distribution test, a private foundation must distribute certain minimum amounts of cash during an initial "start-up period." The proposed regulations generally defined a foundation's start-up period as the four taxable years following the taxable year in which the foundation was "created." One commentator noted that many foundations are technically "created" long before they receive funds and become subject to the distribution requirements of section 4942. For example, it is not an uncommon practice to establish (or create) a foundation during an individual's lifetime and fund it under that individual's will. To ensure that such foundations are not precluded from using the cash distribution test to qualify set-asides, the final regulations provide that, for purposes of determining a foundation's start-up

period, a foundation will be considered "created" in the taxable year in which the foundation's distributable amount first exceeds \$500.

##### *Failures to Distribute Required Amounts*

The proposed regulations provided that a private foundation would incur substantial penalties if it failed to make a distribution required in connection with a set-aside made under the cash distribution test. These penalties provided that (1) any set-asides previously made by the foundation that were not approved under the suitability test would not be treated as qualifying distributions and (2) any set-asides made by the foundation subsequent to the failure to distribute would be treated as qualifying distributions only if the set-asides were approved under the suitability test. Two commentators objected to the first penalty as being unclear and unduly punitive. Accordingly, the final regulations clarify this provision and limit its application.

The proposed regulations also provided an exception from the penalty provisions if a foundation's failure to distribute the full-payment period minimum amount during a taxable year of the full-payment period was not willful and was due to reasonable cause. In this regard, the regulations provided that a "willful failure to distribute" does not occur if a foundation cannot determine the full-payment period minimum amount for a taxable year in the full-payment period until after the end of that year and the foundation makes the required distribution within a reasonable time after the end of the year. One commentator advocated expanding this exception to include failures to distribute the start-up period minimum amount during the start-up period. Another commentator requested that the final regulations define the "reasonable time" in which a foundation may make the required distribution.

It is clear that under section 4942(g)(2)(C), the exception provided for certain failures to distribute applies only to a failure to distribute the full-payment period minimum amount. However, a valid question is raised whether a similar but more limited exception should apply to a failure to distribute the start-up period minimum amount. In the typical case, a new foundation will not be able to definitely determine its start-up period minimum amount until after the expiration of the fourth taxable year of the start-up period.

In response to these concerns, the final regulations provide a limited exception for certain failures to distribute the start-up period minimum

amount during the start-up period. In addition, the final regulations provide that when the full-payment period minimum amount cannot be determined before the end of a taxable year in the full-payment period, no "willful failure to distribute" will occur if the foundation makes the required distribution within 5½ months after the end of the year.

#### Certain Leasing Arrangements

In general, the leasing of property between a disqualified person and a private foundation constitutes an act of self-dealing under section 4941(d)(1)(A). As added by section 5 of Pub. L. 96-608, section 4941(d)(2)(H) provides, subject to certain conditions, a limited exception to this rule for leases of office space by a disqualified person to a private foundation. The regulations amend § 53.4941(d)-2 and § 53.4941(d)-3 to reflect this new exception. Because the exception is of limited applicability, the amendments are adopted, without notice, as final regulations.

#### Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

#### Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

#### Drafting Information

The principal author of these regulations is Charles K. Kerby, III of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

#### List of Subjects in 26 CFR Part 53

Excise taxes, Private foundations.

#### Adoption of Amendments of the Regulations

Accordingly, 26 CFR Part 53 is amended as follows:

#### PART 53—[AMENDED]

Paragraph 1. Section 53.4941(d)-2(b) is amended by removing "subparagraph

(2)" from the first sentence of subparagraph (1), inserting in lieu thereof "subparagraphs (2) and (3)", and by adding a new subparagraph (3) to read as follows:

#### § 53.4941(d)-2 Specific acts of self-dealing.

\* \* \* \* \*

#### (b) Leases. \* \* \*

(3) *Certain leases of office space.* For taxable years beginning after December 31, 1979, the leasing of office space by a disqualified person to a private foundation shall not be an act of self-dealing if—

(i) The leased space is in a building in which there are other tenants who are not disqualified persons,

(ii) The lease is pursuant to a binding lease which was in effect on October 9, 1969, or pursuant to renewals of such a lease,

(iii) The execution of the lease was not a prohibited transaction (within the meaning of section 503(b) or the corresponding provisions of prior law) at the time of such execution, and

(iv) The terms of the lease (or any renewal) reflect an arm's length transaction.

A lease or renewal of such lease is described in this subparagraph (3) only if it satisfies the requirements of § 53.4941(d)-4(c) (1) and (2), applied without regard to the December 31, 1979 deadline described therein.

\* \* \* \* \*

Par. 2. Section 53.4941(d)-3(a) is amended by revising the first two sentences thereof to read as follows:

#### § 53.4941(d)-3 Exceptions to self-dealing.

(a) *General rule.* In general, a transaction described in section 4941(d)(2) (B), (C), (D), (E), (F), (G), or (H) is not an act of self-dealing. Section 4941(d)(2) (B), (C), and (H) provide limited exceptions to certain specific transactions, as described in paragraphs (b)(2), (b)(3), (c)(2), and (d)(3) of § 53.4941 (d)-2. \* \* \*

Par. 3. Section 53.4942(a)-3(b) is revised to read as follows:

#### § 53.4942(a)-3 Qualifying distributions defined.

\* \* \* \* \*

(b) *Certain set-asides—(1) In general.* An amount set aside for a specific project that is for one or more of the purposes described in section 170(c) (1) or (2)(B) may be treated as a qualifying distribution in the year in which set aside (but not in the year in which actually paid), if the requirements of section 4942(g)(2) and this paragraph (b) are satisfied. The requirements of this paragraph (b) are satisfied if the private

foundation establishes to the satisfaction of the Commissioner that the amount set aside will be paid for the specific project within 60 months after it is set aside, and

(i) The set-aside satisfies the suitability test described in subparagraph (2) of this paragraph, or

(ii) With respect to a set-aside made in a taxable year beginning after December 31, 1974, the private foundation satisfies the cash distribution test described in subparagraph (3) of this paragraph.

If the suitability test or cash distribution test is otherwise satisfied, the 60 month period for paying the amount set aside may, for good cause shown, be extended by the Commissioner.

(2) *Suitability test.* The suitability test is satisfied if the private foundation establishes to the satisfaction of the Commissioner that the specific project for which the amount is set aside is one that can be better accomplished by the set-aside than by the immediate payment of funds. Specific projects that can be better accomplished by the use of a set-aside include, but are not limited to, projects in which relatively long-term grants or expenditures must be made in order to assure the continuity of particular charitable projects or program-related investments (as defined in section 4944(c)) or where grants are made as part of a matching-grant program. Such projects include, for example, a plan to erect a building to house the direct charitable, educational, or other similar exempt activity of the private foundation (such as a museum building in which paintings are to be hung), even though the exact location and architectural plans have not been finalized; a plan to purchase an additional group of paintings offered for sale only as a unit that requires an expenditure of more than one year's income; or a plan to fund a specific research program that is of such magnitude as to require an accumulation of funds before beginning the research, even though not all of the details of the program have been finalized.

(3) *Cash distribution test; in general.* The cash distribution test is satisfied if—

(i) The specific project for which the amount is set aside will not be completed before the end of the taxable year in which the set-aside is made,

(ii) The private foundation actually distributes, in cash or its equivalent and for one or more of the purposes described in section 170(c) (1) or (2)(B), the "start-up period minimum amount" described in subparagraph (4) of this

paragraph during the private foundation's start-up period, and

(iii) The private foundation actually distributes, in cash or its equivalent and for one or more of the purposes described in section 170(c) (1) or (2)(B), the "full-payment period minimum amount" described in subparagraph (5) of this paragraph in each taxable year of the private foundation's full-payment period.

For purposes of the cash distribution test, an amount set aside will be treated as distributed in the year in which actually paid and not in the year in which set aside.

(4) *Minimum distribution required during start-up period*—(i) *Start-up period*. For private foundations created before January 1, 1972, the start-up period is the four taxable years immediately preceding the taxable year beginning in calendar year 1976. For private foundations created after December 31, 1971 (or for organizations that first become private foundations after that date), the start-up period is the four taxable years following the taxable year in which the private foundation was created (or otherwise became a private foundation). For purposes of this subparagraph (4), a private foundation will be considered "created" in the taxable year in which the private foundation's distributable amount (as determined under section 4942(d)) first exceeds \$500.

(ii) *Start-up period minimum amount*. The amount that a private foundation must actually distribute in cash or its equivalent during the private foundation's start-up period is not less than the sum of—

(a) Twenty percent of the private foundation's distributable amount (as determined under section 4942(d)) and the first taxable year of the start-up period,

(b) Forty percent of the private foundation's distributable amount for the second taxable year of the start-up period,

(c) Sixty percent of the private foundation's distributable amount for the third taxable year of the start-up period, and

(d) Eighty percent of the private foundation's distributable amount for the fourth taxable year of the start-up period.

(iii) *Timing of distributions*. The requirement that a private foundation distribute the start-up period minimum amount during the start-up period is a requirement that such amount be distributed before the end of the start-up period, and is not a requirement that any portion of such amount be

distributed in any one taxable year of the start-up period.

(iv) *Distribution actually made during start-up period*. In general, only a distribution actually made during the start-up period is taken into account in determining whether a private foundation has distributed the start-up period minimum amount. However, in the case of a private foundation created after December 31, 1971 (or an organization that first became a private foundation after that date), a distribution actually made during the taxable year in which the foundation was created (the year immediately preceding the first taxable year of the private foundation's start-up period) may be treated as a distribution actually made during the start-up period. In addition, a distribution actually made by a private foundation within 5½ months after the end of the start-up period will be treated as a distribution actually made during the start-up period if—

(a) The private foundation was unable to determine the distributable amount for the fourth taxable year of the start-up period until after the end of such period, and

(b) The private foundation actually made distributions prior to the end of the start-up period based upon a reasonable estimate of the private foundation's distributable amount for the fourth taxable year of the start-up period.

(v) *Examples*. The provisions of this subparagraph (4) may be illustrated by the following examples:

*Example (1)*. F, a private foundation created on January 1, 1975, uses the calendar year as its taxable year. The start-up period for F is January 1, 1976 through December 31, 1979. F has distributable amounts under section 4942(d) for taxable years 1976 through 1979 in the following amounts: 1976, \$100,000; 1977, \$120,000; 1978, \$150,000; 1979, \$200,000. F's start-up period minimum amount is the sum of the following amounts: 20% of \$100,000 (\$20,000); 40% of \$120,000 (\$48,000); 60% of \$150,000 (\$90,000); and 80% of \$200,000 (\$160,000); which equals \$318,000. Thus F is required to actually distribute at least \$318,000 in cash or its equivalent during the start-up period.

*Example (2)*. F, a private foundation created in 1969, uses the calendar year as its taxable year. F's start-up period is the calendar years 1972 through 1975. F makes two cash distributions in 1972. The first distribution is made on account of a set-aside made in 1969. Under section 4942(g), that distribution is treated as a qualifying distribution made in 1969. The second distribution is treated under section 4942(h) has made out of F's undistributed income for 1971. In addition, F makes a cash distribution in 1976 that is treated under section 4942(h) as made out of F's undistributed income for 1975. In determining whether F has

distributed its start-up period minimum amount within the start-up period, the 1972 distributions are both taken into account because they were actually made during F's start-up period. The 1976 distribution is not taken into account, however, because that distribution was not actually made during F's start-up period.

(5) *Minimum distribution required during full-payment period*—(i) *Full-payment period*. A private foundation's full-payment period includes each taxable year that begins after the end of the private foundation's start-up period.

(ii) *Full-payment period minimum amount*. The amount that a private foundation must actually distribute in cash or its equivalent in a taxable year of the private foundation's full-payment period is not less than 100 percent of the private foundation's distributable amount determined under section 4942(d) (without regard to section 4942(i) with respect to the taxable year.

(iii) *Carryover of distributions in excess of full-payment period minimum amount*. If, in a taxable year beginning after December 31, 1975, a private foundation distributes an amount in excess of the full-payment period minimum amount for the taxable year, the excess shall be used to reduce the full-payment period minimum amount in the taxable years in the adjustment period. The amount of the excess distribution used to reduce the full-payment period minimum amount in each successive taxable year of the adjustment period shall be equal to the amount of such excess less the sum of the full-payment period minimum amounts for all prior taxable years in the adjustment period to which the excess was previously applied. The taxable years in the adjustment period are the five taxable years immediately following the taxable year in which the excess distribution is made. Any distribution in excess of the full-payment period minimum amount made during a taxable year of the adjustment period shall not be taken into account under this subparagraph (iii) until any earlier excess has been completely applied against full-payment period minimum amounts during its adjustment period.

(iv) *Distributions actually made during a taxable year*. Except as described in subdivision (ii) of subparagraph (6), only a distribution actually made during a taxable year of the full-payment period is taken into account in determining whether a private foundation has distributed the full-payment period minimum amount for such year.

(v) *Examples.* The provisions of this subparagraph (5) may be illustrated by the following examples:

*Example (1).* F, a private foundation created on January 1, 1973, uses the calendar year as its taxable year. F has a start-up period of January 1, 1974, through December 31, 1977, and a full-payment period that includes every taxable year beginning after December 31, 1977. F's distributable amount (as determined under section 4942(d)) for 1978 is \$500,000. Thus, F's full-payment period minimum amount for 1978 is \$500,000. During 1978 F distributes \$100,000 in cash to Charity X and \$400,000 in cash to Charity Y on account of a set-aside made in 1973. F has distributed its full-payment period minimum amount for 1978 because it has made actual cash distributions during that year which total \$500,000. However, F has made qualifying distributions (as determined under section 4942(g)) with respect to 1978 of only \$100,000. In order to avoid liability for the tax on undistributed income under section 4942(a), F must distribute or set aside an additional \$400,000 before January 1, 1980.

*Example (2).* Assume the facts as stated in Example (1) except that in 1978 F makes cash distributions totaling \$600,000. Since the total cash distributions made in 1978 (\$600,000) exceed the full-payment period minimum amount for 1978 (\$500,000), there exists a \$100,000 excess which must be used by F to reduce its full-payment period minimum amounts for the years 1979-1983 (the taxable years in the adjustment period with respect to the 1978 excess). Therefore, if F's distributable amount (as determined under section 4942(d)) for 1979 is \$500,000, F's full-payment period minimum amount for 1979 is \$400,000 (\$500,000-\$100,000).

(6) *Failure to distribute minimum amounts—(i) In general.* If a private foundation fails to actually distribute the start-up period minimum amount during the start-up period or, except as described in subdivision (ii) of this subparagraph (6), if a private foundation fails to actually distribute the full-payment period minimum amount during a taxable year of the full-payment period, then any set-aside made by the private foundation during the start-up period (if the failure relates to the start-up period) or during the taxable year (if the failure relates to the full-payment period) that was not approved by the Commissioner under the suitability test described in subparagraph (2) of this paragraph will not be treated as a qualifying distribution. Further, any set-aside made after the year of such a failure to so distribute a minimum amount will be treated as a qualifying distribution only if the Commissioner approves the set-aside under the suitability test. In any case in which a set-aside ceases to be treated as a qualifying distribution as a result of a failure to distribute the full-payment period minimum amount, a private foundation may be assessed a

deficiency under section 4942(a) within the period described in section 6501(n)(3).

(ii) *Correction of certain failures to distribute.* If a private foundation's failure to distribute the full-payment period minimum amount during a taxable year of the full-payment period was not willful and was due to reasonable cause, the private foundation may correct the failure to so distribute. Correction will be achieved if the private foundation distributes within the correction period cash or its equivalent in an amount not less than the difference between the full-payment period minimum amount for the taxable year and the amount actually distributed during the taxable year. The correction period is the correction period as defined in section 4962(e), determined with respect to the earliest occurring taxable event (as defined in section 4962(e)(2)(A)) that would result if the failure to distribute a full-payment period minimum amount were not corrected. The additional distribution will be treated for purposes of subparagraph (5) of this paragraph as made during the taxable year with respect to which the failure occurred. If a private foundation fails to distribute the full-payment period minimum amount during a taxable year of the full-payment period because such amount can be determined only after the end of the taxable year, no "willful failure to distribute" the full-payment period minimum amount will occur if the private foundation makes an additional distribution within 5½ months after the end of the taxable year.

(7) *Approval and information requirements—(i) Suitability test.* If an amount is set aside under the suitability test of section 4942(g)(2)(B)(i) and subparagraph (2) of this paragraph, the private foundation must apply for the Commissioner's approval of the set-aside before the end of the taxable year in which the amount is set aside. The Commissioner will either approve or disapprove the set-aside in writing. An otherwise proper set-aside will not be treated as a qualifying distribution under this paragraph (b) with respect to a taxable year if the Commissioner's approval is not sought before the end of the taxable year in which the amount is actually set aside. To obtain approval by the Commissioner for a set-aside under the suitability test, the private foundation must write to Commissioner of Internal Revenue, Attention: OPE:EO:T, 1111 Constitution Avenue, NW., Washington, D.C. 20224, and include—

(a) A statement describing the nature and purposes of the specific project and

the amount of the set-aside for which approval is requested;

(b) A statement describing the amounts and approximate dates of any planned additions to the set-aside after its initial establishment;

(c) A statement of the reasons why the project can be better accomplished by a set-aside than by the immediate payment of funds;

(d) A detailed description of the project, including estimated costs, sources of any future funds expected to be used for completion of the project, and the location or locations (general or specific) of any physical facilities to be acquired or constructed as part of the project; and

(e) A statement by an appropriate foundation manager (as defined in section 4946(b)) that the amounts to be set aside will actually be paid for the specific project within a specified period of time that ends not more than 60 months after the date of the first set-aside, or a statement showing good cause why the period for paying the amount set aside should be extended (including a showing that the proposed project could not be divided into two or more projects covering periods of no more than 60 months each) and setting forth the extension of time required.

(ii) *Cash distribution test.* If an amount is set aside under the cash distribution test of section 4942(g)(2)(B)(ii) and subparagraphs (3), (4), and (5) of this paragraph, then for taxable years ending after April 2, 1984, the private foundation must submit an attachment with the return required by section 6033 for the taxable year in which the amount is set aside and for certain subsequent taxable years. For the taxable year in which the amount is set aside the attachment must include—

(a) A statement describing the nature and purposes of the specific project for which amounts are to be set aside;

(b) A statement that the amounts set aside for the specific project will actually be paid for the specific project within a specified period of time that ends not more than 60 months after the date of the set-aside;

(c) A statement that the project will not be completed before the end of the taxable year of the private foundation in which the set-aside is made;

(d) A statement showing the distributable amounts determined under section 4942(d) for any past taxable years in the private foundation's start-up and full-payment periods; and

(e) A statement showing the aggregate amount of actual payments made in cash or its equivalent, for purposes described in section 170(c) (1) or (2)(B).

during each taxable year in the private foundation's start-up and full-payment periods. This statement should include a detailed description of any payments that are to be treated, pursuant to the rules of subparagraphs (4)(iv) and (6)(ii) of this paragraph (b), as distributed during a taxable year prior to the taxable year in which such payments were actually made and, in addition, should explain the circumstances that justify the application of those rules.

For the five taxable years following the taxable year in which the amount is set aside (or, if longer, for each taxable year in the extended period for paying the amount set aside), the attachment must include the statements required by (d) and (e) of this subdivision (ii). The submission of the statement required by (b) of this subdivision (ii) will satisfy the requirement of section 4942(g)(2)(B) and subparagraph (1) of this paragraph (b) that the private foundation establish to the satisfaction of the Commissioner that the amount set aside will be paid for the specific project within 60 months after it is set aside.

(8) *Evidence of set-aside.* A set-aside that is approved by the Commissioner or which satisfies the cash distribution test shall be evidenced by the entry of a dollar amount on the books and records of a private foundation as a pledge or obligation to be paid at a future date or dates. Any amount which is set aside shall be taken into account for purposes of determining the private foundation's minimum investment return under § 53.4942(a)-2 (c)(1), and any income attributable to such set-aside shall be taken into account in computing adjusted net income under § 53.4942(a)-2(d).

(9) *Contingent set-aside.* In the event a private foundation is involved in litigation and may not distribute assets or income because of a court order, the private foundation may (except as provided in § 53.4942(a)-2 (e)(1)(i) or (ii)) seek and obtain a set-aside for a purpose described in § 53.4942(a)-3 (a)(2). The amount to be set aside shall be equal to that portion of the private foundation's distributable amount which is attributable to the assets or income that are held pursuant to court order and which, but for the court order precluding the distribution of such assets or income, would have been distributed. In the event that the litigation encompasses more than one taxable year, the private foundation may seek additional contingent set-asides. Such amounts must actually be distributed by the last day of the taxable year following the taxable year in which the litigation is terminated. Amounts not

distributed by the close of the appropriate taxable year shall be treated as described in § 53.4942(a)-2 (d)(2)(iii)(c) for the succeeding taxable year.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805). (Approved by the Office of Management and Budget under control number 1545-0792.)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 20, 1984.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 84-2507 Filed 1-30-84; 8:45 am]

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## POSTAL SERVICE

### 39 CFR Part 10

#### International Express Mail Service to West Germany and Uruguay

**AGENCY:** Postal Service.

**ACTION:** Final action on International Express Mail Service to West Germany and Uruguay.

**SUMMARY:** Pursuant to agreements with the postal administrations of West Germany and Uruguay, the Postal Service intends to begin International Express Mail Service with West Germany and Uruguay at postage rates indicated in the tables below. Service is scheduled to begin on March 1, 1984.

**EFFECTIVE DATE:** March 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Leon W. Perlinn, (202) 245-4414.

**SUPPLEMENTARY INFORMATION:** By a notice published in the Federal Register on December 27, 1983 (48 FR 56979), the Postal Service announced that it was proposing to begin International Express Mail Service to West Germany and Uruguay. Comments were invited on published rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1), and which are to become effective on the date service begins. One comment was received which supported the proposal.

Accordingly, the Postal Service states that it intends to begin International Express Mail Service with West Germany and Uruguay on March 1, 1984 at the rates indicated in the tables below.

## List of Subjects in 39 CFR Part 10

Postal service, Foreign relations.

### WEST GERMANY—INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE<sup>1</sup>

Up to and including—		Up to and including—	
Pounds	Rate	Pounds	Rate
1.....	19.00	23.....	\$82.80
2.....	21.90	24.....	85.70
3.....	24.80	25.....	88.60
4.....	27.70	26.....	91.50
5.....	30.60	27.....	94.40
6.....	33.50	28.....	97.30
7.....	36.40	29.....	100.20
8.....	39.30	30.....	103.10
9.....	42.20	31.....	106.00
10.....	45.10	32.....	108.90
11.....	48.00	33.....	111.80
12.....	50.90	34.....	114.70
13.....	53.80	35.....	117.60
14.....	56.70	36.....	120.50
15.....	59.60	37.....	123.40
16.....	62.50	38.....	126.30
17.....	65.40	39.....	129.20
18.....	68.30	40.....	132.10
19.....	71.20	41.....	135.00
20.....	74.10	42.....	137.90
21.....	77.00	43.....	140.80
22.....	79.90	44.....	143.70

<sup>1</sup> Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

### Uruguay—International Express Mail

Custom designed service <sup>1</sup> *		On demand service <sup>2</sup>	
Up to and including—		Up to and including—	
Pounds	Rate	Pounds	Rate
1.....	\$28.00	1.....	\$20.00
2.....	31.70	2.....	23.70
3.....	35.40	3.....	27.40
4.....	39.10	4.....	31.10
5.....	42.80	5.....	34.80
6.....	46.50	6.....	38.50
7.....	50.20	7.....	42.20
8.....	53.90	8.....	45.90
9.....	57.60	9.....	49.60
10.....	61.30	10.....	53.30
11.....	65.00	11.....	57.00
12.....	68.70	12.....	60.70
13.....	72.40	13.....	64.40
14.....	76.10	14.....	68.10
15.....	79.80	15.....	71.80
16.....	83.50	16.....	75.50
17.....	87.20	17.....	79.20
18.....	90.90	18.....	82.90
19.....	94.60	19.....	86.60
20.....	98.30	20.....	90.30
21.....	102.00	21.....	94.00
22.....	105.70	22.....	97.70
23.....	109.40	23.....	101.40
24.....	113.10	24.....	105.10
25.....	116.80	25.....	108.80
26.....	120.50	26.....	112.50
27.....	124.20	27.....	116.20
28.....	127.90	28.....	119.90
29.....	131.60	29.....	123.60
30.....	135.30	30.....	127.30
31.....	139.00	31.....	131.00
32.....	142.70	32.....	134.70
33.....	146.40	33.....	138.40
34.....	150.10	34.....	142.10
35.....	153.80	35.....	145.80
36.....	157.50	36.....	149.50
37.....	161.20	37.....	153.20
38.....	164.90	38.....	156.90
39.....	168.60	39.....	160.60
40.....	172.30	40.....	164.30
41.....	176.00	41.....	168.00
42.....	179.70	42.....	171.70
43.....	183.40	43.....	175.40
44.....	187.10	44.....	179.10

<sup>1</sup> Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a

Service Agreement providing for tender by the customer at a designated Post Office.

\* Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-2587 Filed 1-30-84; 8:45 am]

BILLING CODE 7710-12-M

### 39 CFR Part 111

#### ZIP + 4 First-Class Mail

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes final regulations for the mailing of First-Class Mail at ZIP + 4 and ZIP + 4 Presort rates. The rule prescribes the eligibility criteria and preparation requirements for ZIP + 4 mailings, including minimum quantity per mailing, minimum and maximum size dimensions, envelope aspect ratios, Presort annual fee payment, optical character recognition readability requirements, a bar code clear zone requirement, and rate category endorsements.

The major change this rule makes to the current interim regulations is that it allows mailers to combine Presort First-Class and ZIP + 4 Presort mailings under limited conditions during a transition period designed to enable mailers to achieve complete conversion of their mailing lists to ZIP + 4 code usage.

**EFFECTIVE DATE:** February 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Ernest Collins (202) 245-4749.

**SUPPLEMENTARY INFORMATION:** On October 7, 1983, the Postal Service published for comment in the **Federal Register** interim regulations implementing discounted rates for bulk mailings of First-Class Mail addressed with ZIP + 4 codes, 48 FR 45762-45765. Those rates were established by action of the Governors of the Postal Service. See 48 FR 45864 (October 7, 1983).

Interested persons were invited to submit written comments concerning the interim regulations by November 7, 1983.

Written comments were received from 19 individuals.

Of these 19 comments, 16 expressed concerns about the requirement that all pieces in a Presort mailing must bear a

ZIP + 4 code. They suggested some form of allowance for pieces having only a 5-digit ZIP Code. It was also suggested that the Postal Service allow Presort First-Class mailings to be combined with ZIP + 4 mailings and to provide some form of relief from the requirement to endorse the pieces so as to reflect the postage actually paid on each piece.

In reviewing these comments it was recognized that mailers currently mailing at Presort First-Class rates would, in particular, experience greater problems than anticipated with the interim regulations during the time they are converting their mailing list to use ZIP + 4 codes. Some mailers could actually experience increased postage costs as the result of the reduced presortation densities that would occur when the ZIP + 4 pieces are separated from a Presort First-Class mailing. In addition, many potential users of ZIP + 4 rates will be dependent upon third-party mailing list service companies to convert their mailing lists to ZIP + 4 codes. The mailing list service companies have reported some problems with matching mailing lists with ZIP + 4 code tapes. A large number of addresses will require correction or verification before they can be converted. Some addresses have incorrect or missing ZIP Codes or an address line which contains misspelled or abbreviated words and, in some cases, no address at all other than city, state and ZIP Code.

For these reasons, the Postal Service has decided to permit, during a short period, combined Presort mailings to minimize the impact on mailing list processing companies that sell mailing list services including address conversion to usage of the ZIP + 4 code, presort service companies that presort mail for their clients, and on other mailers that want to mail at the ZIP + 4 Presort postage rates. The final rule adds a new section 365, Domestic Mail Manual (DMM), which establishes a transition period during which mailers may combine ZIP + 4 Presort and Presorted First-Class mailings. The transition period will run until October 1, 1985. This will enable mailers to maximize their presort densities, thus realizing immediate postage savings, to review their addressing practices, and to make any necessary changes so that all of their addresses can be converted to ZIP + 4 codes.

One commenter argued that Federal agencies should be permitted to mail envelopes bearing standard penalty indicia at the ZIP + 4 rates. Current regulations required agencies to use meters or permit imprint to qualify for ZIP + 4 discounts. The Postal Service wishes to maximize the flexibility

available to Federal mailers which plan to use the ZIP + 4 code. Therefore, we are studying the commenter's proposal and will deal with the question of use of standard penalty indicia at a later time.

Two commenters believe the optical character recognition (OCR) read area required by the interim regulations is too large in that it limits the mailer's use of envelopes for advertising. No action can be taken on this proposal at this time, but the Postal Service will study the feasibility of allowing mailers to print extraneous matter in parts of the area which is currently set aside as the OCR read area.

One commenter stated that business reply mail should be included in the ZIP + 4 program. This comment cannot be considered at this time because it goes beyond the interim rule and proposes the establishment of a ZIP + 4 postage rate for business reply mail.

One commenter believes the Postal Service should issue guidelines relative to the OCR read percentage necessary to qualify for mailing at the ZIP + 4 or ZIP + 4 Presort postage rate. It seems this commenter is under the impression that mailing at the ZIP + 4 rates will not be allowed if the Postal Service's OCR equipment does not read the city, state and ZIP + 4 code line of the mail at some prescribed percentage rate. This is not the case. The Postal Service considers that such criteria would be too dependent upon the capability of the individual OCR equipment used to test a mailing. The Postal Service believes mailers should have more clearly defined requirements. For this reason, ZIP + 4 mailings will be accepted or rejected solely on the basis of whether they meet the prescribed mandatory preparation requirements set forth in these regulations. The OCR "read rate" will not be considered.

One person commented that the Postal Service should allow mailers of ZIP + 4 and ZIP + 4 Presort mail to use pouches or other suitable containers in addition to trays because trays increase the cubic size of a mailing. This proposal will not be adopted because trayed mail can be processed more efficiently. Pouching tends to destroy machinability of mail, and it requires additional processing time to open pouches and orientate the mail. In addition, the use of trays facilitates loading mail on the machines' stackers.

One commenter suggested that ZIP + 4 codes be provided on all address corrections furnished by the Postal Service. While this suggestion goes beyond the scope of this rulemaking, we note that the Postal Service has implemented this policy when providing

change of address information under the endorsement Address Correction Requested.

Two commenters expressed concern about the requirement to print the correct rate category endorsement on each piece of mail because they do not know prior to enveloping which piece will qualify for ZIP+4 or ZIP+4 Presort rates, and if they were to order envelopes with rate category endorsements preprinted, they would have to include two more types of envelopes in their inventory. All pieces which are part of a ZIP+4 Presort mailing and which are mailed at ZIP+4 or ZIP+4 Presort rates may be endorsed ZIP+4 Presort. In addition, mailers who use computers to print postage rate category endorsements on their mail need not stock additional envelopes if, for example, the words "First-Class" are in the permit imprint and the computer prints the proper endorsement on each piece of mail. Also, during the transition period, mailers may combine Presorted First-Class and ZIP+4 Presort mailings under limited conditions and print ZIP+4 Presort on all pieces.

The following minor changes have also been made to the interim regulations:

1. The reference to carrier route First-Class Mail in Exhibit 310E has been eliminated since there is no distinct ZIP+4 carrier route mail rate. A new DMM section 367.424 specifies that nonqualifying pieces of a carrier route mailing may qualify for the ZIP+4 rate if all pieces in the mailing bear a ZIP+4 code.

2. Section 324B has been eliminated and old sections 324 C through F are redesignated as 324 B through E. Postage payment methods for ZIP+4 mail are now in 382.1.

3. The nonmandatory guidelines for OCR read-ability in the interim regulations 324F(2)(i) have been corrected and renumbered 324E(2)(i) to request that only 1 to 2 spaces be put between the last character of the state name or abbreviation and the first digit of the ZIP+4 code.

4. Sections 368.3 and 368.4 have been modified by cross-referencing to sections 367.1, 367.2 and 367.5 for packaging and tray requirements. In addition, the second line of the tray label has been modified to require "FCM ZIP+4 Presort" instead of "FCM ZIP+4 Presorted."

For the above reasons, and after careful consideration of all the comments, the Postal Service hereby repeals the current interim regulations on ZIP+4 First-Class Mail and adopts the following final regulations on this subject as amendments to the Domestic Mail Manual, which is incorporated by

reference in the Federal Register. See 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Postal Service.

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

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

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

The following changes have been made to the Domestic Mail Manual:

#### PART 111—[AMENDED]

##### Chapter 3—First-Class Mail

##### 310 Rates and Fees

(See Exhibit 310)

\* \* \* \* \*

##### Exhibit 310

##### Insert E

Subparts E and F are relettered F and G, respectively, and a new Subpart E is inserted, as follows:

##### E. ZIP+4 First-Class Mail

To mail at the ZIP+4 Presort rate, the Presort annual fee of \$40 must be paid. (Payment of one \$40 fee allows the mailer to mail qualifying matter at all First-Class Presort rates including carrier route presort.) No fee is required to mail at the ZIP+4 (nonpresorted) rate.

Rates	Postage rate unit	Nonpresorted	Presorted
ZIP+4 Rate Cards	Piece	12.1	11.5
ZIP+4 Rate Letters	First ounce	19.1	16.5
	Each additional ounce	17	17

##### 320 Classification

\* \* \* \* \*

##### Parts 324-326

Parts 324 First-Class Zone Rated (Priority) Mail and 325 (E-COM Service) are renumbered 325 and 326 respectively, and a new Part 324 is inserted as follows:

##### 324—ZIP+4 First-Class Mail

ZIP+4 First-Class Mail consists of First-Class letters and post cards which are part of a mailing of at least 500 pieces of a ZIP+4 Presort mailing or at least 250 pieces of a ZIP+4 nonpresort mailing, and the pieces meet all of the following criteria:

A. Each piece in a mailing must bear the correct ZIP+4 code.

B. Each First-Class letter piece must meet the following machinability criteria:

(1) Its length must be at least 5 inches and not more than 11½ inches.

(2) Its height must be at least 3½ inches and not more than 6¾ inches.

(3) Its thickness must be at least .007 of an inch and not more than ¼ of an inch.

(4) Its aspect ratio (length divided by height) must fall between 1 to 1.3 and 1 to 2.5.

C. Each First-Class post card must meet the following criteria:

(1) Its length must be at least 5 inches and not more than 6 inches.

(2) Its height must be at least 3½ inches and not more than 4¼ inches.

(3) Its thickness must be at least .007 of an inch and not more than .0095 of an inch.

D. Bar Code Clear Zone.

No printing or markings whatsoever can be placed within an imaginary rectangle on the front of the mail piece formed by the following boundaries:

(1) ½ of an inch from the bottom edge.

(2) 4½ inches from the right edge.

(3) The bottom edge.

(4) The right edge.

E. OCR Readability.

(1) Mandatory Requirements:

(a) The entire city, state, and ZIP+4 code line of the address must be visible and must be located within an imaginary rectangle, which is the OCR read area, on the front of the mail piece formed by the following boundaries:

(i) 1 inch from the right edge.

(ii) 1 inch from the right edge

(iii) ⅝ inch from the bottom edge (bottom line of rectangle).

(iv) 2¼ inches from the bottom edge (top line of rectangle).

(b) No extraneous printing or markings (other than the address) shall be placed within the OCR read area below the delivery address line (e.g., street address or post office box number).

(c) The address must be machine printed with uniform character size and line spacing.

(d) A reasonable degree of color contrast must be maintained between the address and the background of the mail piece. Black ink on a white background is strongly preferred, but other color combinations may be used. Brilliant colors and reverse printing are not permitted.

Note.—The Postal Service may treat as unacceptable any mail piece with color combinations which do not provide a print

reflectance difference of at least 40 percent measured at a wavelength of 650 nanometers.

**(2) Nonmandatory Guidelines.**

In order to insure the highest degree of address readability, mailers are encouraged to conform with as many of the following guidelines as possible:

- (a) Maintain a uniform left margin for the name and address.
- (b) Use the standard two-letter state abbreviation.
- (c) Do not use italic, artistic, cyrillic, and script-like fonts. Characters or numbers should not touch or overlap within a word or the ZIP+4 code.
- (d) Use upper case characters.
- (e) Use line spacing of 6 lines per inch.
- (f) Use a character pitch in the range of 7 to 12 characters per inch.

Note.—Total character space may be conserved by eliminating punctuation in the address.

(g) Use a uniform character height in the range of .08 or (1.28/16 or 2.56/32 or 5.12/64) of an inch to .20 (or 3.2/16 or 6.4/32 or 12.8/64) of an inch.

(h) Use a character height to width ratio of 1.1:1 to 1.7:1.

(i) Use 1 to 2 character spaces between words and between the last character of the state name or abbreviation and the first digit of the ZIP+4 code.

(j) Use a space between address lines no less than .025 of an inch (1 millimeter). The space is the vertical distance from the bottom most point of either an upper or lower case character to the highest point reached by the tallest character in the line below.

(k) Maintain a character and line skew of the address relative to the bottom edge of the mail piece of no more than plus or minus five degrees.

**Part 360—Preparation Requirements**

**Part 361—Addressing**

A new Section 361.4 is added as follows:

**361.4 ZIP+4 First-Class Mail**

The address of each piece must include the ZIP+4 code.

**Part 362—Marking Requirements**

A new 362.4 is added as follows:

**362.4—ZIP+4 First-Class Mail**

362.41 All pieces which are mailed at ZIP+4 rates must be marked ZIP+4. If the pieces mailed at the ZIP+4 rates are presorted, they must be endorsed ZIP+4 Presort.

362.42 When a permit imprint is used, the identification "ZIP+4" or

"ZIP+4 Presort," as applicable, must be part of the permit imprint or printed or rubber stamped by the mailer above the address and immediately below or to the left of the permit imprint.

362.43 When a meter stamp is used, the identification "ZIP+4" or "ZIP+4 Presort," as applicable, must be printed or rubber stamped by the mailer above the address and immediately below or to the left of the meter stamp.

362.44 The appropriate marking may be printed by a postage meter, special slug, ad plate, computer or other suitable means which will ensure a legible endorsement.

**Part 365**

**365 Combined Presort Mailings**

**365.1 General**

In order to maintain the level of presortation during the conversion of Presort mail to use of the ZIP+4 code, mailers may combine Presort ZIP+4 Mail (bearing a ZIP+4 code) (see 368) and Presort First-Class Mail (bearing a 5-digit ZIP Code) (see 367), under the conditions in 365.2 and 365.3. Only those pieces which bear a ZIP+4 code are eligible for ZIP+4 rates.

**365.2 Transition Period**

Until February 1, 1985, at least 85 percent of the pieces in a combined Presort mailing must bear a ZIP+4 code. Effective February 1, 1985, and until October 1, 1985, at least 90 percent of the pieces in a combined Presort mailing must bear a ZIP+4 code. This section expires October 1, 1985. At that time Presort ZIP+4 mailings must be made separate from regular Presort First-Class mailings.

**365.3 Requirements for Combined Presort Mailings**

.31 In all instances, a combined mailing must contain at least 500 pieces which bear a ZIP+4 code and otherwise qualify for mailing as a Presort ZIP+4 mailing under 324 and 368.

.32 All pieces which do not bear a ZIP+4 code must bear a 5-digit ZIP code and meet all the ZIP+4 mailing requirements of 324 except 324(A).

.33 All pieces in a combined mailing must be presorted together to maximize the level of presortation.

.34 Although it is permissible to endorse all pieces in a combined mailing "ZIP+4 Presort," it is recommended that mail bearing a 5-digit ZIP Code be endorsed "Presorted First-Class" as specified in 362.2. Endorsements may be printed by computer.

.35 The mailer must present a listing at the time of mailing showing by 5-digit and 3-digit ZIP Code separations, the

number of pieces which qualify for the Presort First-Class rate and the number of pieces which qualify for the Presort ZIP+4 rate. A summary must also be provided showing the number of pieces which qualify for the Presort ZIP+4 rate, Presort First-Class rate, the nonpresorted ZIP+4 rate, and the full First-Class rate. In addition the summary must show the amount of postage due for each rate category and the total postage due for the mailing.

.36 Residual pieces must be physically separated from pieces qualifying for Presort rates. The mailer must either separate the 5-digit residual from the ZIP+4 residual or sort the residual by 3-digit ZIP Codes and submit a listing for the residual portion. This listing must show, by 3-digit ZIP Code prefix, the number of residual pieces being mailed at the nonpresorted ZIP+4 rate and the number being mailed at the full First-Class rate.

.37 If metered postage is affixed, all pieces may be metered at the lowest applicable rate. Additional postage will be paid at the time of mailing.

.38 The provisions of this section also apply to carrier route First-Class mailings, where a portion of a carrier route First-Class mailing qualifies for a ZIP+4 rate. In this event, the listing required by 365.35 must also include the number of carrier route pieces with and without a ZIP+4 code.

**367 Preparation of Presort First-Class and First-Class Carrier Route Mailings**

**367.4 Carrier Route First-Class Mail (Sortation Requirements)**

**.42 Nonqualifying Pieces.**

.424 Nonqualifying pieces of a carrier route mailing may qualify for the ZIP+4 rate if all pieces in the mailing bear a ZIP+4 code. Pieces qualifying for the ZIP+4 rate may be endorsed Carrier Route Presort or CAR-RT SORT.

**Part 368**

A new part is added as follows:

**368—ZIP+4 First-Class Mail**

**368.1—General Requirements**

.11—Machinability  
Each piece must meet the criteria in 324(C) or 324(D), as appropriate.

.12—OCR Readability  
Each piece must meet the OCR readability requirements in 324.

**368.2—Nonpresorted ZIP+4 Mail**

.21—Sortation and Packaging

## Requirements (None).

## .22—Traying Requirements

Nonpresorted ZIP + 4 Mail must be presented for mailing in trays bearing labels endorsed "ZIP + 4."

## 368.3—Presorted ZIP + 4 First-Class Mail

ZIP + 4 Presort mailings will be packaged and trayed in accordance with procedures prescribed for Presorted First-Class Mail in 367.1, 367.2, and 367.5 with one exception. The second line of tray labels shall identify the contents as ZIP + 4 Presort in the following manner:

Line 1: City, State, 5-digit ZIP Code

Line 2: Class, Contents

Line 3: Mailer, Mailer Location

Sample:

Philadelphia PA 19118

FCM ZIP + 4 Presort

FR JC Company Boston MA

## 368.4—Separation of Rate Categories

When a mailing consists of more than one rate category (e.g., ZIP + 4 Presort, nonpresort ZIP + 4), trays for each rate category must be physically separated by rate category at the time of mailing.

## Part 370—Mailing

## Part 372

The first line of 372.1 is changed to read "Matter mailed at the Presort First-Class or ZIP + 4 rates must be deposited at."

## Part 380—Payment of Postage

## Part 382

Title is changed to read "ZIP + 4, Presort and Carrier Routes Rates."

## 382.1 Method of Payment

Postage on mailings made at Presort or carrier route rates must be paid by meter stamps, permit imprints, or precanceled postage. Postage on mailings at ZIP + 4 rates must be paid by meter stamps or permit imprints. Permit imprints may be used on mailings of nonidentical weight only under the provisions of 145.8 or 145.9.

The first two lines of section 382.4 (Mailing Statement) are changed to read, "Mailers who qualify for the First-Class presort rate or ZIP + rates (see 323 and

324 must complete and submit one of the following mail."

[FR Doc. 84-2862 Filed 1-30-84; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 62

[AD-4-FRL 2515-1; GA-006]

## Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Georgia: Fluoride Emissions From Existing Primary Aluminum Reduction Plants—Negative Declaration

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** This notice approves the Georgia Environmental Protection Division's (EPD) negative declaration, submitted on October 19, 1983, that the State of Georgia does not contain any primary aluminum reduction plants subject to the requirements of section 111(d) of the Clean Air Act and EPA's implementing regulations and guidance.

**EFFECTIVE DATE:** This action will be effective on April 2, 1984, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of the material submitted by the State may be examined during normal business hours at the following locations: Air Management Branch, A&WMD, EPA Region IV, 345 Courtland Street, NE., Atlanta Georgia 30365. Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street, SW., Atlanta, Georgia 30334.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Gilbert, Air Management Branch, EPA Region IV at the above address and telephone number 404/881-2864 or FTS 257-2864.

**SUPPLEMENTARY INFORMATION:** Section 111(d) of the Clean Air Act of 1977, as amended, requires States to submit a plan which establishes emission standards for designated pollutants from designated facilities and provides for the implementation and enforcement of such emission standards. If there are no such facilities in a State, that State may submit a negative declaration in lieu of a plan, as provided in EPA's implementing regulations (40 CFR 62.06).

On October 19, 1983, EPD submitted a negative declaration certifying that the

State of Georgia does not contain any primary aluminum reduction plants. EPA accepts the declaration and is approving this revision to the Georgia Designating Facility Plan.

Because EPA considers today's action to be noncontroversial and routine, we are approving it today without prior proposal. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 2, 1984. This action may not be challenged later in proceedings to enforce its requirements.

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. 605(b), the Administrator has certified that section 111(d) plan approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

## List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements.

(Sec. 111(d) of the Clean Air Act (42 U.S.C. 7411(d)).)

Dated: January 23, 1984.

William D. Ruckelshaus,  
Administrator.

## PART 62—[AMENDED]

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

## Subpart K—Georgia

Subpart K is amended by adding a new § 62.2605 as follows:

## Fluoride Emissions From Existing Primary Aluminum Reduction Plants

## § 62.2605 Identification of sources—Negative declaration.

The Georgia Environmental Protection Division submitted a letter on October 19, 1983, certifying that there are no

existing primary aluminum reduction plants in the State of Georgia subject to 40 CFR Part 60, Subpart B, of this chapter.

[FR Doc. 84-2583 Filed 1-30-84; 8:45 am]  
BILLING CODE 6560-50-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 41 CFR Part 14-1

#### Interior Procurement Regulations

**AGENCY:** Department of the Interior, Office of the Secretary.

**ACTION:** Final rule

**SUMMARY:** Pursuant to 5 U.S.C. 301, the Department of the Interior proposes to revise and simplify its policies for small business class set-asides of construction (including alteration, maintenance or repair) procurements by raising the threshold for set-asides from \$750,000 to \$1,000,000 and by providing that construction procurements over \$1,000,000 will be set aside on a case-by-case basis. Inflation in the construction industry since implementation of the existing threshold has substantially reduced their effectiveness. The intended effect is to restore the threshold to a more meaningful level.

The proposed rule was published on July 13, 1983 (48 FR 32033). Comments were requested by August 12, 1983. No comments were received, and no changes to the proposed rule have been made in this final version.

**EFFECTIVE DATE:** March 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Kenneth T. Kelly, Office of Small and Disadvantaged Business Utilization, Room 2626, 18th & C Sts., NW., Washington, D.C. 20240, (202) 343-4907; David C. Metz, Office of Acquisition and Property Management, Room 5526, 18th & C Sts., NW., Washington, D.C. 20240, (202) 343-3345.

#### SUPPLEMENTARY INFORMATION:

Construction class set-asides are being revised to reflect the impact of inflation upon the small business construction community. According to the GNP Implicit Price Deflator Index for Government purchase of non-Defense goods and services during the period 1977 through 1982, the cost of these goods and services increased by 65.8%. When applying this percentage increase to the current threshold of \$750,000, it became apparent that the threshold should be raised to at least \$1,000,000. In addition, although small businesses comprise 99.2% of all construction firms they received only 43.5% of direct

construction procurement dollars awarded by Interior in FY 1980, only 50% in FY 1981, and only 53.6% in FY 1982. Finally, the Small Business Act states that it is the policy of the Congress that a fair proportion of the total Federal purchases, including construction (15 U.S.C. 631(a)), be awarded to small businesses. The proposed rule will support this Congressional policy and strengthen the competitive market-place by ensuring the continued viability of a greater number of small construction firms.

Paragraph (b) of IPR 14-1.706-1 is being deleted to eliminate confusion on discretionary set-asides. Paragraph (c) of 14-1.706-1 is being revised and redesignated paragraph (b). Pub. L. 96-302, which was enacted in 1980, reinforces small business set-aside priorities for those procurements not covered by a class set-aside.

The Director, Office of Management and Budget, by memorandum dated October 4, 1982, exempted agency procurement regulations from the requirements of Executive Order 12291. The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This certification is based on the small percentage of the total public sector construction contracting market which Interior's projects represent and also on the moderate increase proposed herein relative to the total amount of inflation in the industry. The maximum estimated impact of the proposed change, based on actual Fiscal Year 1982 procurement data, will be approximately 20 to 25 contract actions in the range between \$750,000 and \$1 million, for a total dollars impact of approximately \$20 million. This dollar value is less than four hundredths of one percent (.04%) of the value of new construction put in place in 1982 by the public sector according to the 1983 U.S. Industrial Outlook, published by the Bureau of Industrial Economics, Department of Commerce, and according to the Bureau of Census report, "Value of New Construction Put in Place," March 1983. Although the intent of the change is to assist small construction businesses, the actual impact, relative to the overall market size, is such that the Department has determined that a significant economic effect on a substantial number of small entities will not occur.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

#### Primary Author

The primary author of this rule is Wiley W. Horsley Jr., Office of Acquisition and Property Management, telephone (202) 343-3345.

#### List of Subjects in 41 CFR Part 14-1

Government procurement, Administrative practices and procedures, Environmental protection, Indian business and finance, Labor surplus area, Minority businesses, and Small businesses.

Accordingly, pursuant to the authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), 41 CFR 14-1.7 is amended as follows:

Dated: January 17, 1984.

Richard R. Hite,

*Assistant Secretary of the Interior.*

#### PART 14-1—GENERAL

##### Subpart 14-1.7—Small Business Concerns

Under Subpart 14-1.7, § 14-1.706-1 is revised to read as follows:

##### § 14-1.706-1 General.

(a) Pursuant to FPR §§ 1.706-1 and 1-3.201 it shall be the policy of the Department of Interior to set aside on a class basis for small business all procurements of construction (including alteration, maintenance, and repair) estimated to cost \$1,000,000 or less, except individual procurements for which emergency repair work is required. Contracting officers may deviate from this class set-aside policy only as provided in FPR § 1-1.706-3.

(b) Construction procurements (including alteration, maintenance, and repair) estimated to cost in excess of \$1,000,000 shall be considered for small business set-aside on a case-by-case basis in accordance with the priorities established in FPR § 1-1.706-1.

[FR Doc. 84-2617 Filed 1-30-84; 8:45 am]  
BILLING CODE 4310-10-M

#### Bureau of Land Management

##### 43 CFR Public Land Order 6503

[M 41502]

##### Montana; Partial Revocation and Partial Modification of Secretarial Order of March 18, 1918, as Amended

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes a Stock Driveway Withdrawal No. 11, Montana No. 1, as to 7,756.35 acres and partially

modifies the same withdrawal to establish a 20-year term for the remaining 32,812.91 acres. Of the 7,756.35 acres, 7,449.33 acres will be opened to surface entry, and 307.02 acres, privately owned, are not subject to the public land laws. The 32,812.91 acres being modified remain closed to surface entry. The public lands have been and remain open to mining and mineral leasing.

**EFFECTIVE DATE:** March 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Roland F. Lee, Montana State Office, 406-657-6474.

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

1. The Secretarial Order dated March 18, 1918, as amended, which withdrew lands for stock driveway purposes, is hereby modified to expire 20 years from the effective date of this order insofar as it affects the following described lands:

**Principal Meridian**

*Stock Driveway Withdrawal No. 11*

(Montana No. 1)

- T. 6 S., R. 2 W.,
  - Sec. 4, lots 3 and 4, SW $\frac{1}{4}$  NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 8, E $\frac{1}{2}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;
  - Sec. 18, lots 1, 2, and 3, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
  - Sec. 20, E $\frac{1}{2}$ .
- T. 7 S., R. 2 W.,
  - Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 8, W $\frac{1}{2}$ ;
  - Sec. 17, W $\frac{1}{2}$ ;
  - Sec. 18, all;
  - Sec. 19, lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and W $\frac{1}{2}$ E $\frac{1}{2}$ ;
  - Sec. 30, lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and W $\frac{1}{2}$ E $\frac{1}{2}$ ;
  - Sec. 31, lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 8 S., R. 3 W.,
  - Sec. 26, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;
  - Sec. 35, E $\frac{1}{2}$ .
- T. 7 S., R. 3 W.,
  - Sec. 1, E $\frac{1}{2}$  and NW $\frac{1}{4}$ .
- T. 7 S., R. 6 W.,
  - Sec. 2, lots 3 to 8, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 3, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;
  - Sec. 10, E $\frac{1}{2}$ ;
  - Sec. 11, NW $\frac{1}{4}$ ;
  - Sec. 14, SW $\frac{1}{4}$ ;
  - Sec. 15, E $\frac{1}{2}$ ;
  - Sec. 23, all;
  - Sec. 26, NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
  - Sec. 27, lots 13, 14, and 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 32, S $\frac{1}{2}$ S $\frac{1}{2}$ ;
  - Sec. 33, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ ;
  - Sec. 34, W $\frac{1}{2}$  NW $\frac{1}{4}$ .
- T. 8 S., R. 6 W.,
  - Sec. 6, lots 2, 3, 4, and 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 9 S., R. 6 W.,
  - Sec. 4, S $\frac{1}{2}$ ;

- Sec. 5, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;
  - Sec. 6, lots 1 to 5, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;
  - Sec. 9, E $\frac{1}{2}$ ;
  - Sec. 10, W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;
  - Sec. 13, all;
  - Sec. 14, N $\frac{1}{2}$ ;
  - Sec. 15, N $\frac{1}{2}$ ;
  - Sec. 23, SE $\frac{1}{4}$ ;
  - Sec. 24, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;
  - Sec. 26, all;
  - Sec. 35, all.
- T. 10 S., R. 6 W.,
    - Sec. 2, lots 1, 2, 3, and 4;
    - Sec. 3, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
    - Sec. 10, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
    - Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ .
  - T. 11 S., R. 6 W.,
    - Sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;
    - Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
    - Sec. 7, E $\frac{1}{2}$ ;
    - Sec. 8, W $\frac{1}{2}$ ;
    - Sec. 17, W $\frac{1}{2}$ ;
    - Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;
    - Sec. 19, E $\frac{1}{2}$ ;
    - Sec. 20, W $\frac{1}{2}$ ;
    - Sec. 29, W $\frac{1}{2}$ ;
    - Sec. 30, E $\frac{1}{2}$ ;
    - Sec. 31, E $\frac{1}{2}$ ;
    - Sec. 32, W $\frac{1}{2}$ .
  - T. 12 S., R. 6 W.,
    - Sec. 5, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;
    - Sec. 6, all;
    - Sec. 7, NE $\frac{1}{4}$ ;
    - Sec. 8, W $\frac{1}{2}$ ;
    - Sec. 17, E $\frac{1}{2}$  and NW $\frac{1}{4}$ ;
    - Sec. 20, E $\frac{1}{2}$ ;
    - Sec. 21, SW $\frac{1}{4}$ ;
    - Sec. 27, SW $\frac{1}{4}$ ;
    - Sec. 28, E $\frac{1}{2}$  and NW $\frac{1}{4}$ ;
    - Sec. 34, N $\frac{1}{2}$ ;
    - Sec. 35, W $\frac{1}{2}$  and SE $\frac{1}{4}$ .
  - T. 13 S., R. 6 W.,
    - Sec. 1, all;
    - Sec. 2, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ .
  - T. 8 S., R. 7 W.,
    - Sec. 1, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;
    - Sec. 11, NE $\frac{1}{4}$ ;
    - Sec. 23, SE $\frac{1}{4}$ ;
    - Sec. 26, E $\frac{1}{2}$ ;
    - Sec. 35, all.
  - T. 9 S., R. 7 W.,
    - Sec. 1, all;
    - Sec. 2, all.
  - T. 13 S., R. 7 W.,
    - Sec. 7, lots 1 and 2, NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;
    - Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;
    - Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
  - T. 13 S., R. 8 W.,
    - Sec. 11, N $\frac{1}{2}$ ;
    - Sec. 12, N $\frac{1}{2}$ .
  - T. 6 S., R. 10 W.,
    - Sec. 34, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
    - Sec. 35, W $\frac{1}{2}$ E $\frac{1}{2}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ .
  - T. 7 S., R. 10 W.,
    - Sec. 3, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
    - Sec. 7, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
    - Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
    - Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
    - Sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$ ;
    - Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ ;
    - Sec. 17, N $\frac{1}{2}$ N $\frac{1}{2}$ ;
    - Sec. 18, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
  - T. 14 S., R. 10 W.,

- Sec. 15, SE $\frac{1}{4}$ ;
  - Sec. 22, NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 15 S., R. 10 W.,
    - Sec. 4, SE $\frac{1}{4}$ ;
    - Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ ;
    - Sec. 10, W $\frac{1}{2}$ ;
    - Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$ ;
    - Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  SW $\frac{1}{4}$ .
  - T. 7 S., R. 11 W.,
    - Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$ ;
    - Sec. 12, S $\frac{1}{2}$ S $\frac{1}{2}$ ;
    - Sec. 13, N $\frac{1}{2}$ N $\frac{1}{2}$ ;
    - Sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$ .
  - T. 7 S., R. 7 E.,
    - Sec. 10, E $\frac{1}{2}$ E $\frac{1}{2}$ ;
    - Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$ ;
    - Sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$ .
  - T. 6 S., R. 8 E.,
    - Sec. 22, lots 1, 2, 3, 4, 6, 7 and 10;
    - Sec. 32, lots 5, 11, and 12.
  - T. 7 S., R. 8 E.,
    - Sec. 5, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
    - Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ .
- The area described aggregates 32,812.91 acres in Park, Beaverhead and Madison Counties.

2. The Secretarial Order dated March 18, 1918, as amended, which withdrew lands for stock driveway purposes, is hereby revoked insofar as it affects the following described lands:

**Principal Meridian**

- T. 6 S., R. 3 W.,
  - Sec. 9, lot 3, W $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 5 S., R. 4 W.,
  - Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ .
- T. 11 S., R. 5 W.,
  - Sec. 27, SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 34, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 35, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and SW $\frac{1}{4}$  SE $\frac{1}{4}$ .
- T. 8 S., R. 7 W.,
  - Sec. 2, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$  (private lands).
- T. 12 S., R. 7 W.,
  - Sec. 1, all;
  - Sec. 11, E $\frac{1}{2}$ ;
  - Sec. 12, NW $\frac{1}{4}$ ;
  - Sec. 14, E $\frac{1}{2}$ ;
  - Sec. 23, E $\frac{1}{2}$ ;
  - Sec. 26, N $\frac{1}{2}$ ;
  - Sec. 27, N $\frac{1}{2}$ ;
  - Sec. 28, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;
  - Sec. 33, W $\frac{1}{2}$ .
- T. 13 S., R. 8 W.,
  - Sec. 10, NE $\frac{1}{4}$  and W $\frac{1}{2}$ ;
  - Sec. 15, W $\frac{1}{2}$ ;
  - Sec. 20, S $\frac{1}{2}$ ;
  - Sec. 21, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;
  - Sec. 22, W $\frac{1}{2}$ ;
  - Sec. 29, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 6 S., R. 10 W.,
  - Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;
  - Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ E $\frac{1}{2}$ ;
  - Sec. 26, W $\frac{1}{2}$ E $\frac{1}{2}$ .
- T. 14 S., R. 10 W.,
  - Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$ ;
  - Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 6., R. 12 W.,
  - Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$ ;
  - Sec. 23, W $\frac{1}{2}$ W $\frac{1}{2}$ ;
  - Sec. 26, W $\frac{1}{2}$ W $\frac{1}{2}$ .

T. 3 S., R. 16 E.,

Sec. 5, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 8, NW $\frac{1}{4}$ Nw $\frac{1}{4}$ ;

Sec. 18, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 8 S., R. 25 E.,

Sec. 3, lots, 1, 2, 3, and 4;

Sec. 4, lots, 1, 2, 3, and 4;

Sec. 5, lots, 1, 2, 3, and 4.

The area described aggregates 7,756.35 acres in Madison and Beaverhead Counties.

3. This action will not restore lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ , Section 2, T. 8 S., R. 7 W., to operation of the public land laws as they are in private ownership.

4. At 8 a.m. on March 1, 1984, the lands in paragraph 2, except for the lands described in paragraph 3, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands have been and continue to be open to location and entry under the mining laws and to applications and offers under the mineral leasing laws.

5. Pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, this withdrawal of lands in paragraph 1 will be reviewed within 20 years from the effective date of this order and, if appropriate, at subsequent 20-year intervals to ensure that the lands are still being used for the purpose for which they were originally withdrawn.

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

Dated: January 24, 1984.

Garrey E. Carruthers,  
Assistant Secretary of the Interior.

[FR Doc. 84-2599 Filed 1-30-84; 8:45 am]  
BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6504

[I-19025]

#### Idaho; Partial Revocation of Secretarial Order of July 3, 1919

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

**SUMMARY:** This order revokes a Secretarial order as to 400 acres of national forest lands withdrawn for stock driveway purposes. This action will restore the lands to such forms of disposition as may by law be made of national forest lands. The lands have

been and remain open to mining and mineral leasing.

**EFFECTIVE DATE:** March 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Larry Lievsay, Idaho State Office, 208-334-1735.

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

1. The Secretarial Order of July 3, 1919, which withdrew national forest lands for use by the U.S. Forest Service as Stock Driveway No. 86, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

Targhee National Forest

T. 12 N., R. 32 E.

Sec. 14, W $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 400 acres in Clark County.

2. At 9 a.m. on March 1, 1984, the lands will be opened to such forms of disposition as may by law be made of national forest lands. The lands have been and remain open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: January 24, 1984.

Garrey E. Carruthers,  
Assistant Secretary of the Interior.

[FR Doc. 84-2604 Filed 1-30-84; 8:45 am]  
BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6505

[Nev-051745; 054523]

#### Nevada; Partial Revocation of Powersite Cancellation No. 366; Partial Revocation of Powersite Classification No. 210, and Partial Revocation of Secretarial Order of May 8, 1919

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

**SUMMARY:** This order revokes two overlapping Secretarial orders as they affect 40.24 acres of land withdrawn for powersite classification and reclamation project purposes. This action will restore 35.18 acres to surface entry and mining. The remaining 5.06 acres will be classified under the Recreation and Public Purposes Act for

eventual transfer to Clark County, and, consequently, will not be opened to surface entry and mining. The entire acreage affected by this order has been and will remain open to mineral leasing.

**EFFECTIVE DATE:** March 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Vienna Wolder, Nevada State Office, 702-784-5703.

**SUPPLEMENTARY INFORMATION:**

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-26-Nevada, it is ordered as follows:

1. The Secretarial Order of January 7, 1929, which created Powersite Classification No. 210, and the Secretarial Order of May 8, 1919, which withdrew land for reclamation project purposes, are hereby revoked as they affect the following described land:

Mount Diablo Meridian—Powersite Classification No. 210

T. 16 S., R. 68 E.,

Sec. 30, lots 5, 6, 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described aggregates 40.24 acres in Clark County.

2. The State of Nevada has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The land described below, which is utilized as a cemetery, will be transferred to Clark County under the Recreation and Public Purposes Act, and, consequently, will not be subject to operation of the public land laws, including the mining laws.

Mount Diablo Meridian

T. 16 S., R. 68 W.,

Sec. 30, lot 5.

The area described aggregates 5.06 acres in Clark County.

4. At 9 a.m. on March 1, 1984, the land described in paragraph 1 will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and requirements for applicable law, except as provided in paragraph 3. All valid applications received at or prior to 9 a.m. on March 1, 1984, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. At 9 a.m. on March 1, 1984, the land described in paragraph 1 will be opened to operation of the mining laws, except as provided in paragraph 3. Appropriation of lands under the

general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

6. The land has been and remains open to applications and offers under the mineral leasing laws.

Inquiries concerning this land should be addressed to the Deputy State Director, Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Dated: January 24, 1984.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

[FR Doc. 84-2805 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### Willamette Meridian

T. 3 N., R. 11 W.,

Sec. 12, those portions of lots 1 and 2 as delineated upon the official records of the Oregon State Office, Bureau of Land Management.

T. 33 S., R. 15 W.,

Sec. 8, lot 1.

T. 36 S., R. 15 W.,

Sec. 36, lot 1.

The areas described aggregate 66.48 acres in Curry and Tillamook Counties.

2. The lands have been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

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

Dated: January 24, 1984.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

[FR Doc. 84-2806 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### Gila and Salt River Meridian

T. 16 N., R. 21 W.,

Sec. 14, lot 7.

The area described contains 4.53 acres in Mohave County.

2. The above described public land is classified for exchange under Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716, and remains segregated from operation of other public land laws including location and entry under the United States mining laws, but not the mineral leasing laws.

The land has been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: January 24, 1984.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

[FR Doc. 84-2801 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6506

[OR-17241B, OR-36343A]

#### Oregon; Partial Revocation of Executive Orders of September 11, 1854, and June 8, 1866

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes two Executive orders as to 66.48 acres of public lands withdrawn for use by the U.S. Coast Guard for lighthouse purposes. The lands have been conveyed out of Federal ownership and will not be restored to surface entry, mining, or mineral leasing. Thus, the effect of this order is record clearing only.

**EFFECTIVE DATE:** March 1, 1984.

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

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

1. The Executive Orders of September 11, 1854, and June 8, 1866, which withdrew public lands for use by the U.S. Coast Guard for lighthouse purposes, are hereby revoked insofar as they affect the following described lands:

#### 43 CFR Public Land Order 6507

[AR 032133]

#### Arizona; Partial Revocation of Air Navigation Site Withdrawal

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order partially revokes a Departmental order and a public land order as they affect 4.53 acres of land withdrawn for an air navigation site. This parcel is classified for private exchange pursuant to a pending application, and will remain closed to surface entry and mining. The land has been and will remain open to mineral leasing.

**EFFECTIVE DATE:** February 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mario L. Lopez, Arizona State Office, (602) 261-4774.

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

1. Those portions of Departmental Order of October 9, 1952, and Public Land Order No. 3468 of November 25, 1964, which withdrew public land for maintenance of Air Navigation Site, Arizona No. 1, are hereby revoked insofar as they affect the following described land:

#### 43 CFR Public Land Order 6508

[OR-20260]

#### Revocation of Secretarial Order of June 22, 1939

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes a Secretarial order which withdrew 120 acres of public land for use by the Bureau of Reclamation for the Klamath Project. The land has been conveyed out of Federal ownership and will not be restored to surface entry, mining, or mineral leasing. Thus, the effect on this order is record clearing only.

**EFFECTIVE DATE:** March 1, 1984.

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

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

1. The Secretary's First Form Reclamation Withdrawal Order of June 22, 1939, which withdrew public land for use by the Bureau of Reclamation for the Klamath Project, is hereby revoked:

#### Willamette Meridian

#### Klamath Project

T. 40 S., R. 14 E.,

Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 120 acres in Klamath County.

2. The land has been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

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

Dated: January 24, 1984.

Garrey E. Carruthers,  
*Assistant Secretary of the Interior.*

January 24, 1984.

[FR Doc. 84-2800 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6509

[OR-20256]

#### Oregon; Revocation of Secretarial Order of August 26, 1920

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes a Secretarial order which withdrew 320 acres of public land for use by the Bureau of Reclamation for the Klamath Project. The land has been conveyed out of Federal ownership with reservations for ditches and canals only and thus will not be restored to surface entry, mining, or mineral leasing. The effect of this order is record clearing only.

**EFFECTIVE DATE:** March 1, 1984.

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

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

1. The Secretarial Order of August 26, 1920, which withdrew land for use by the Bureau of Reclamation for the Klamath Project, is hereby revoked:

Willamette Meridian

Klamath Project

T. 36 S., R. 6 E.,

Sec. 13, SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 320 acres in Marion County.

2. The land has been conveyed from Federal ownership, with reservations for ditches and canals only, and will not be

restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 24, 1984.

Garrey E. Carruthers,  
*Assistant Secretary of the Interior.*

[FR Doc. 84-2802 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6510

[OR-20319]

#### Revocation of Bureau of Land Management Order of October 18, 1954; Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes a Bureau of Land Management order which withdrew 30.53 acres of public land for use by the Bureau of Reclamation for the Deschutes Project. The land has been conveyed out of Federal ownership and will not be restored to surface entry, mining, or mineral leasing. Thus, the effect of this order is record clearing only.

**EFFECTIVE DATE:** March 1, 1984.

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

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

1. The Bureau of Land Management's First Form Reclamation Withdrawal Order of October 18, 1954, which withdrew the following described land for use by the Bureau of Reclamation for the Deschutes Project, is hereby revoked:

Willamette Meridian

T. 12 S., R. 12 E.,

Sec. 27, lots 12, 13, and 14.

The area described contains 30.53 acres in Jefferson County.

2. The land has been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

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

Dated: January 24, 1984.

Garrey E. Carruthers,  
*Assistant Secretary of the Interior.*

[FR Doc. 84-2803 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### 45 CFR Part 1180

#### Institute of Museum Services; Conservation Grants to Museums

**AGENCY:** Institute of Museum Services, NFAH.

**ACTION:** Final guidelines and standards.

**SUMMARY:** The Institute of Museum Services issues final guidelines and standards relating to a program of Federal financial assistance for museum conservation for fiscal year 1984. The guidelines and standards implement the Museum Services Act. They state eligibility conditions and other terms for the administration of the museum conservation program for fiscal year 1984.

**EFFECTIVE DATE:** These guidelines and standards are effective January 31, 1984.

**FOR FURTHER INFORMATION CONTACT:** Michele Rossi, Executive Assistant to the Director, Institute of Museum Services, Room 510, 1100 Pennsylvania Ave., NW., Washington, D.C. 20506 (786-0536).

#### SUPPLEMENTARY INFORMATION:

##### 1. General Background

The Museum Services Act ("the Act"), which is Title II of the Arts, Humanities and Cultural Affairs Act of 1976, was enacted on October 8, 1976 and amended on December 4, 1980.

The purpose of the Act is stated in section 202 as follows:

It is the purpose of [the Museum Services Act] to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups; to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage; and to ease the financial burden borne by museums as a result of their increasing use by the public.

The Act establishes an Institute of Museum Services (IMS) consisting of a National Museum Services Board and a Director.

The Act provides that the National Museum Services Board shall consist of fifteen members appointed for fixed terms by the President with the advice

and consent of the Senate. The Chairman of the Board is designated by the President from the appointed members. Members are broadly representative of various museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; of the curatorial, educational and cultural resources of the United States, and of the general public. In addition to the members appointed by the President, the following serve as members of the Board: The Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Secretary of Education. The Board has the responsibility for establishing the general policies of the Institute. The Director is authorized, subject to the policy direction of the Board, to make grants under the Act to museums.

IMS is an independent agency placed in the National Foundation on the Arts and the Humanities (National Foundation). Pub. L. 97-100, December 23, 1981, Pub. L. 97-394, December 30, 1982.

The Act lists a number of illustrative activities for which grants may be made, including assisting museums to meet their administrative costs for preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public. Other activities are designed to aid museums in developing and maintaining professionally trained staff, developing and carrying out specialized museum programs for specific segments of the public, and cooperating with other museums in developing traveling exhibitions, meeting transportation costs for these exhibitions, and identifying and locating collections available for loan. Assisting museums to carry out conservation activities is expressly authorized in the Act.

## 2. Need for These Guidelines and Standards

The fiscal year 1984 appropriation for IMS, contained in the Department of the Interior and Related Agencies Appropriations Act, 1984, Pub. L. No. 98-146, makes available \$3,000,000 for conservation. H.R. Rept. No. 98-399, 98th Cong. 1st Sess. 50 (1983). Of this amount \$150,000 is available for a contract with the American Association of Museums, the American Institute of Conservation, and the National Institute for the Conservation of Cultural Property for the development of a conservation program.

Because IMS has not previously operated a program exclusively targeted on conservation, it is necessary to establish guidelines and standards for the conduct of the program in fiscal year 1984 to facilitate proper and efficient administration of the appropriated funds. Guidelines and standards of general applicability with respect to such matters as eligibility, use of funds, funding criteria and post-award conditions have therefore been developed by the Board and are appropriately published in this document.

The guidelines and standards are included as part of the IMS regulations (which are codified in 45 CFR Part 1180) but apply only to fiscal year 1984 grants. Further information regarding the program is contained in the agency's application package.

## 3. Highlights of the Program

In recommending an appropriation for this activity, the report of the House Appropriations Committee on the Department of the Interior and Related Agencies stated:

The amount recommended by the Committee includes a new initiative for conservation grants in the amount of \$3,000,000. This will provide a maximum of \$25,000 to be matched equally, in addition to any general operating support grant an institution may receive. This will provide support to at least 120 institutions to provide for conservation of art objects either by hiring new staff or through contracting. The Committee expects the Board to develop program guidelines which may include the use of a special panel for this grant program. (H.R. Rept. No. 98-253, 98th Cong. 1st Sess. 113 (1983)).

The development of the guidelines and standards has been carried out in light of this language.

In summary, the program provides grants to museums of up to \$25,000 for conservation projects on a matching basis. Therefore, a museum must supply 50 percent of the project costs from non-federal sources. Grants are made only to museums for a period of one year, although provision is made for extensions (at no additional cost to the government) if needed.

## 4. Paragraph by Paragraph Analysis

The following paragraphs describe the guidelines on a paragraph by paragraph basis.

Paragraph (a) sets forth the scope of the guidelines and standards. They apply to conservation grants for fiscal year 1984.

Paragraph (b) indicates which of the existing regulations of IMS apply to the program. With stated exceptions, these

regulations generally apply. However, a conservation grant is not counted in determining whether a museum has received three grants in a five year period and does not preclude a grantee from also receiving a General Operating Support (GOS) or Special Project (SP) Support Grant (SR). See 45 CFR 1180.5 (e) and (f).

Paragraph (c) contains the definition of conservation and is based upon prior regulations of the Institute which contained such a definition.

Paragraph (d) indicates that only museums as defined in § 1180.3 of the IMS regulations may apply and only one conservation grant may be awarded to a museum.

Paragraph (e) sets forth examples of the types of projects which may be assisted, including:

- Projects to conduct or obtain training in conservation;
- Projects to conduct research in conservation;
- Projects to develop improved or less costly methods of conservation or both;
- Projects related to museum conservation needs not regularly addressed by other Federal funding agencies;
- Projects to meet the conservation needs of museums which are unable to maintain their own individual conservation facilities; and
- Projects to conserve particular objects in a museum's collection.

Paragraph (f) indicates that a grant may not be made for more than \$25,000 and that conservation grants do not count toward the maximum ceiling of \$50,000 for GOS and SP. Matching requirements in the Act apply but not the rule that IMS normally makes grants for only 10 percent of a museum's budget.

Paragraph (g) provides for application requirements. In general, application requirements applicable to other IMS programs apply. Requirements relating to long-range plans and maintenance of effort are inapplicable.

Paragraph (h) describes application review procedures. IMS expects to use panels of experts. However, depending on the number of applications and other factors, field reviewers may be used to evaluate applications before submission to panels, and, in this event, it is anticipated that not all applications will be reviewed by the panels.

Paragraph (i) sets forth both technical and programmatic funding criteria by which applications are judged.

Paragraph (j) describes allowable and unallowable costs.

## 5. Public Participation

IMS has followed the practice of obtaining public participation in the development of its regulations and guidelines and normally first publishes them in the form of a notice of proposed rulemaking inviting public comment. In the case of the instant guidelines and standards, this practice is not being followed because this process could not be completed in time to permit orderly review of applications for conservation grants. The appropriation to which these guidelines and standards relate was not enacted until November 4, 1983. The appropriation must be obligated during fiscal year 1984. The steps necessary to that obligation could not be completed in an orderly and efficient manner if final guidelines and standards could not be put in place at this time. If applications are not invited early in calendar year 1984, IMS believes that it would be impracticable to meet its funding schedule. In particular the need of applicants for established final guidelines in order to provide a frame of reference for early application and the need of IMS to organize and convene panelists in addition to field reviewers preclude resort to the proposed rulemaking process. In brief, it is necessary that final guidelines and standards be in place promptly to support the conduct of the conservation program for fiscal year 1984 in accordance with the intent of Congress. Under these circumstances, it has been determined that resort to public participation procedures is not necessary and would be impracticable for the instant guidelines and standards. If guidelines and standards are needed for future fiscal years, IMS will invite public comment on its proposals. See 5 U.S.C. 553(b).

## 6. Executive Order 12291

These guidelines and standards have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the order.

## 7. Regulatory Flexibility Act Certification

The Director certifies that these guidelines and standards will not have a significant economic impact on a substantial number of small entities.

To the extent that they affect States and State agencies they will not have an impact on small entities because States and State agencies are not considered to be small entities under the Regulatory Flexibility Act.

These guidelines and standards will affect certain museums receiving Federal financial assistance under the Museum Services Act. However, they will not have a significant economic impact on the small entities affected because they do not impose excessive regulatory burdens or require unnecessary Federal supervision. They impose minimal requirements to ensure the proper expenditure of grant funds.

### List of Subjects in 45 CFR Part 1180

Museums, National boards.  
(Catalog of Federal Domestic Assistance No. 43.301, Museum Services Program)

Dated: January 24, 1984.  
Susan Phillips,  
Director, Institute of Museum Services.

Dated: January 24, 1984.  
C. Douglas Dillon,  
Chairman, National Museum Services Board.

The Institute of Museum Services amends Subchapter E of Chapter XI of Title 45 of the Code of Federal Regulations by revising the heading of Subpart A, adding § 1180.20 and reserving §§ 1180.18 and 1180.19 as set forth below:

### SUBCHAPTER E—INSTITUTE OF MUSEUM SERVICES

#### PART 1180—GRANTS REGULATIONS

##### Subpart A—General Operating Support; Special Project Support; Conservation Grants

Sec.	
1180.18	[Reserved]
1180.19	[Reserved]
1180.20	Guidelines and standards for fiscal year 1984 for conservation projects.

##### Subpart A—General Operating Support; Special Project Support; Conservation Grants

§ 1180.18	[Reserved]
§ 1180.19	[Reserved]
§ 1180.20	Guidelines and standards for fiscal year 1984 for conservation projects.

(a) *Scope.* The guidelines and standards in this document apply to all aspects of the IMS conservation grant program including the submission of applications by museums for conservation grants for fiscal year 1984, to the award, review and approval of such applications by IMS, and to the carrying out of conservation grants awarded by IMS.

(b) *Applicability of regulations.* (1) Except as otherwise provided in these guidelines, subparts A-C of this part,

part 1180 of Title 45 CFR, (45 CFR 1180.1-1180.58) (IMS Grants Regulations), as amended, including provisions applicable to Special Projects, apply to the IMS conservation grant program. (These regulations were published on June 17, 1987, 48 FR 27727; IMS is issuing amendments to reflect legislation and technical changes made by the Board, including an amendment to render inapplicable § 1180.5(g) (relating to receipt of Challenge Grants)).

(2) § 1180.5(e) does not apply. Therefore, a museum may apply for a conservation grant and a general operating support or special project grant and receive funding under the conservation grant and the general operating support or special project grant in the same fiscal year.

(3) Section 1180.5(f) does not apply. Therefore a conservation grant awarded under these guidelines is not considered a grant for the purpose of determining whether a museum has received an award in more than three out of five years.

(4) Section 1180.11(d) does not apply. A museum which applies for a conservation grant need not submit a long-range plan.

(5) Section 1180.11(e) (relating to maintenance of effort) does not apply.

(6) Section 1180.16(b), which provides that IMS normally does not make grants for more than 10 percent of a museum's operating budget, does not apply to conservation grants.

(c) *Definition.* As used in these guidelines, the term "conservation" includes, but is not limited to, the following functions, as applied to art, history, natural history, science and technology, and living collections:

(1) Technical examination of materials and surveys of environmental and collection conditions;

(2) Provision, insofar as practicable, of optimum environmental conditions for housing, exhibition, monitoring, reformatting, nurturing and transportation of objects;

(3) Physical treatment of objects, specimens and organisms, for the purpose of stabilizing, conserving and preserving their condition, removal of inauthentic additions or accretions, and physical compensation for losses; species survival activities; and

(4) Research and training in conservation.

(d) *Applicants.* Under the Museum Services Act only a museum may receive a grant. (20 U.S.C. 965(a)). See § 1180.3 of the IMS regulations for the definition of "museum". A museum may

receive only one conservation grant under this program in a fiscal year.

(e) *Types of conservation projects funded.* IMS considers applications to carry out conservation projects such as:

(1) Projects to conduct or obtain training in conservation (including training of persons for careers as professional conservators; training or upgrading of practicing conservators and conservation technicians in the use of new materials and techniques; and training of persons to become conservation technicians).

(2) Projects to conduct research in conservation (including developmental and basic research).

(3) Projects to develop improved or less costly methods of conservation or both.

(4) Projects related to museum conservation needs not regularly addressed by other Federal funding agencies.

(5) Projects to meet the conservation needs of museums which are unable to maintain their own individual conservation facilities, such as the operation or use of regional conservation centers or mobile conservation facilities. Because grants are made only to museums, organizations which operate regional conservation centers but which are not museums are ineligible for a direct grant. However, a museum or a group of museums may use a grant to obtain services from a center. See § 1180.35 (relating to group applications).

(6) Projects to conserve particular objects in a museum's collection (including plants and animals) or to meet the conservation needs of a particular museum (through such activities as the employment of conservators and the procurement of conservation services or equipment).

(f) *Limits on Federal funding.* See also paragraph (j) (allowable costs) (1) IMS makes a conservation grant which obligates no more than \$25,000 in Federal funds. A conservation grant is not included in the \$50,000 maximum amount which a museum may expect to receive from IMS for a fiscal year, as set forth in § 1180.9 of the regulations. Therefore, a museum may receive, for example, a GOS grant for \$50,000 and an additional \$25,000 for a conservation grant in a fiscal year. A museum may not receive more than \$25,000 for a conservation grant.

(2) IMS makes conservation grants only on a matching basis. This means that at least 50% of the costs of a conservation project must be met from non-federal funds. Principles in applicable OMB circulars regarding cost

sharing or matching apply. See, e.g. OMB Circular A-102, Attachment F.

(g) *Application requirements.* Application requirements in § 1180.11 (a), (b), (c) and (f) apply. Where appropriate, IMS may require an applicant to submit a dissemination plan.

(h) *Procedures for review of applications.* (1) For fiscal year 1984, IMS uses the procedures stated in this paragraph to review applications for conservation projects.

(2) IMS evaluates all eligible applications for special projects (including conservation projects) in accordance with applicable criteria. (See paragraph (i) below) The Director expects to use panels of experts to review at least a portion of the applications for conservation grants. Depending upon the number of applications received as well as other factors, the Director may also use field reviewers to evaluate applications before submission of applications to the panels. In addition, the Director may use technical experts to provide technical advice regarding certain applications. See generally § 1180.12 (a) and (c) of the IMS regulations.

(3) IMS evaluates applications for conservation projects separately from applications for general operating support and special projects.

(i) *Criteria.* This paragraph sets forth the criteria which IMS uses in evaluating and reviewing applications for conservation grants.

(1) The following technical criteria apply to the evaluation and review of applications for conservation grants:

(i) What is the nature of the proposed project with respect to project design and management plan?

(ii) What are the qualifications of the personnel the applicant plans to use on the project and the proposed time that each such person is obligated to commit to the project?

(iii) Does the project have an adequate budget to achieve its purpose? Is the budget reasonable and adequate in relation to the objectives of the project?

(iv) Does the applicant plan to devote adequate financial and other resources to the project without inhibiting its ongoing activities?

(2) In addition, the following programmatic criteria apply to the evaluation and review of conservation grants:

(i) The importance of the object or objects (to be conserved) and the significance of the object or objects to the museum's collection and/or audience.

(ii) The extent to which the application exhibits knowledge of the technical area to which the conservation project relates and employs the most promising or appropriate methods or techniques of conservation and/or the extent to which the conservation project is likely to use, develop or demonstrate improved, more efficient, or more economic methods of conservation;

(iii) The applicant's plans to use and maintain the anticipated results or benefits of the project after the expiration of Federal support; and

(iv) The need for the project, including the relationship of the project to the conservation needs and priorities of the applicant museum as reflected in a survey of conservation needs or similar needs assessment.

(j) *Allowable and unallowable costs.*

(1) Section 1180.10 of the IMS regulations, which applies to conservation grants, sets forth the rules applicable to determining the allowability of costs under IMS grants and refers readers to the OMB circulars containing applicable cost principles which govern government grants generally.

(2) In general such costs as compensation for personal services, costs of materials and supplies, rental costs, and other administrative costs specifically related to a conservation project are allowable under a conservation grant in accordance with applicable cost principles.

(3) Costs of alterations, repairs and restoration to an existing facility are allowable when they are related to a conservation project under a conservation grant in accordance with applicable cost principles.

(4) Costs of equipment are generally allowable if related to a conservation project but do require the specific approval of the Director as indicated in the grant award document.

(5) A grantee may award a stipend to an individual for training in connection with a conservation project. Stipends and allowances may be paid at rates and under conditions established by the Director consistent with policies of other agencies in the Foundation or other agencies or instrumentalities of the United States providing comparable assistance with respect to conservation. Salary support will not be included in the stipend. Institutional support in the form of continued salary is expected.

(6) Costs of new construction are unallowable. For example, a museum may not use a conservation grant to construct a new building or an addition to an existing building to improve the

environment in which its collections are housed.

Authority: Museum Services Act, 20 U.S.C. 961-968, Pub. L. 94-462, as amended, 90 Stat. 1975-1978.

[FR Doc. 84-2510 Filed 1-30-84 8:45 am]  
BILLING CODE 7036-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 83-33; RM-4224]

#### FM Broadcast Station in Lihue, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This action substitutes Class C Channel 245 for Channel 224A at Lihue, Hawaii, and modifies the Class A permit for Station KJAD(FM) in response to a petition filed by KUAL, Inc.

**DATE:** Effective: April 2, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheurele, Mass Media Bureau, (202) 634-6530.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lihue, Hawaii), MM Docket No. 83-33; RM-4224.

Adopted: January 10, 1984.

Released: January 24, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 5971, published February 9, 1983, proposing the substitution of Class C Channel 245 for Channel 224A at Lihue, Hawaii, in response to a request filed by KUAL, Inc.<sup>1</sup> ("petitioner"). The *Notice* also proposed to modify the permit of Station KJAD(FM) to specify operation on the Class C channel. Petitioner filed comments reaffirming its interest in the Class C channel, if assigned. Opposing comments were filed by Kauai Broadcasting Co., permittee of Station KIPO-FM, Lihue, but were later withdrawn.

2. The Commission has determined that the public interest could benefit

from the proposal, since it could provide a signal to a wider coverage area. In addition, since the opposition has been withdrawn, and no other interest in the Class C channel has been expressed, we shall modify the petitioner's permit to specify Channel 245. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). The channel can be assigned in compliance with the minimum distance separation requirements.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 2, 1984, the FM Table of Assignments, § 73.202(b) of the Rules, is amended, with respect to the community listed below:

#### City and Channel No.

Lihue, Hawaii: 228A, 245.

4. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the permit of KUAL, Inc. for Station KJAD(FM), Lihue, Hawaii, is modified, effective 1984, to specify operation on Channel 245 in lieu of Channel 224A, subject to the following conditions:

(a) At least 30 days before operating on Channel 245 the licensee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Upon grant of the construction permit program tests may be conducted in accordance with § 73.1620;

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

5. It is further ordered, That the Secretary shall send a copy of this *Order by Certified Mail, Return Receipt Requested*, to: Steven J. Pena, Becker, Gurman, Lukas, Meyers, O'Brien & McGowan, P.C., 2501 M Street, NW., Suite 400, Washington, D.C. 20036 (counsel for the petitioner).

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Kathleen Scheurele, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-2540 Filed 1-30-84; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[MM Docket No. 83-365; RM 4303]

#### TV Broadcast Station in Albuquerque, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** Action taken herein assigns UHF television Channel 41 to Albuquerque, New Mexico, as its eighth television service, in response to a petition filed by Dennis H. Owen.

**DATE:** Effective April 2, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

#### Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Albuquerque, New Mexico) MM Docket No. 83-365; RM-4303.

Adopted: January 10, 1984.

Released: January 24, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 16913, published April 20, 1983, proposing the assignment of UHF television Channel 41 to Albuquerque, New Mexico, as that community's eighth television service, in response to a petition filed by Dennis H. Owen. Petitioner filed supporting comments reiterating his intention to apply for the channel, if assigned. Opposing comments were filed by Graciela Olivarez ("Olivarez").

2. Albuquerque (population 331,767),<sup>1</sup> seat of Bernalillo County (population 419,700), is located in north-central New Mexico. Currently, it is served by commercial television Stations KOB-TV (Channel 4), KOAT-TV (Channel 7), KGGM-TV (Channel 13), KGSW(TV) (Channel 14), and KNAT(TV) (Channel 23); as well as noncommercial educational Station KNME-TV (Channel \*5) and Channel \*32 (unoccupied).

3. In opposition, Olivarez, licensee of low power television Station K48AM, operating on UHF television Channel 48 in Albuquerque, asserts that petitioner neglected to consider the impact the

<sup>1</sup> Petitioner is the permittee of Station KJAD(FM) (Channel 224A) in Lihue, Hawaii.

<sup>1</sup> Population figures were extracted from the 1980 U.S. Census, Advance Report.

proposal would have on her present operation. Specifically, Olivarez states that because Station K48AM is devoted to providing the community with its only Spanish-language service, the proposal, if granted, would require her to move to another channel, pursuant to the provisions of § 74.702(b) of the Rules, to eliminate interference. Although Olivarez recognizes that low power television service is secondary to a full power operation, she maintains that petitioner should have proposed a channel that would not destroy the community's only Spanish-language service. According to opponent, the impact is particularly significant since the English-speaking segment of the community is presently served by five commercial television stations as well as one licensed educational station. Accordingly, Olivarez urges denial of the proposal. Alternatively, opponent requests that in the event we find that the proposal would be in the public interest, that a non-conflicting channel be assigned to accommodate petitioner's proposal in an effort to avoid a disruption of service to the Hispanic residents of Albuquerque.

4. Olivarez' arguments against the assignment are without merit. Basically, opponent alleges that the existence of other television stations in the community obviates the need for another full service station which would jeopardize her current translator operation. However, the advantages

inherent in a full power service, such as proposed herein, far outweigh the limited coverage that is provided by a low power television station. Moreover, as opponent acknowledges, pursuant to the provisions of § 74.703 of the Commission's Rules, a low power television operation is licensed on a secondary basis and is not protected against interference from a regular broadcast station.

5. In view of the above, we believe that the proposed assignment of Channel 41 to Albuquerque would serve the public interest by providing an additional competitive television service for the expression of diverse viewpoints and programming. On the basis of this determination, opponent will be required to specify another frequency in order to continue service to the community.

6. As indicated in the *Notice*, UHF television Channel 41 can be assigned to Albuquerque in conformity with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

7. Accordingly, pursuant to the authority contained in §§ 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules. It is ordered, That effective April 2, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Albuquerque, New Mexico.....	4+, *5+, 7+, 13+, 14-23-, *32+, 41.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-2541 Filed 1-30-84; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 26

#### Employment Assistance For Adult Indians

##### Correction

In FR Doc. 84-1231 beginning on page 2097 in the issue of Wednesday, January 18, 1984, third column, the effective date now reading "February 17, 1983" should read "February 17, 1984".

BILLING CODE 1505-01-M

## Proposed Rules

Federal Register

Vol. 49, No. 21

Tuesday, January 31, 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

#### Office of the Secretary

#### 7 CFR Part 17

#### Financing of Commercial Sales of Agricultural Commodities

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would revise that portion of the regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480, 83rd Cong.) which is set forth in §§ 17.1 through 17.8 and 17.16 of Part 17 of Title 7 of the Code of Federal Regulations. The proposed rule incorporates the provisions of "General Modification No. 1 to Appendix A and Appendix B of the Financing Regulations," changes the definition of "time of sale" for commodities purchased under the terms of an Invitation for Bids, and reflects the transfer of authority for the administration of the Pub. L. 480, Title I program from the Office of the General Sales Manager to the Foreign Agricultural Service. The proposal also deletes obsolete provisions, reorganizes the regulations in a more logical order, revises many sections for clarity, and makes a number of minor editorial corrections. This revision will make the regulations clearer and reduce the costs of the program by encouraging more commodity suppliers to participate.

**DATES:** Comments must be received on or before April 2, 1984.

**ADDRESSES:** Written comments in duplicate: Melvin E. Sims, General Sales Manager, Foreign Agricultural Service, Room 4073-S, U.S. Department of Agriculture, Washington, D.C. 20250.

Comments available for public inspection during business hours (8:30 a.m. to 5:00 p.m., Monday through

Friday; Room 4549 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Robert S. Simpson, Director, P.L. 480 Operations Divisions, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447-3664.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that this proposed revision will not result in an annual effect on the economy of \$100 million or more; will not cause a major increase in costs to consumers, individual industries, Federal, State or local government agencies or geographic regions; and will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the rule involve foreign affairs functions of the United States and therefore neither 5 U.S.C. 553 nor any other provision of law requires publication of a notice of proposed rulemaking with respect to the subject matter of this rule.

Information collection requirements contained in this regulation (Sections 17.5(c), 17.7(b), 17.10(a), 17.10(e), and 17.12(a)) have been submitted to the Office of Management and Budget for review under Section 3504(h) of the Act and have been assigned OMB #0551-0005. Recordkeeping requirements contained in redesignated § 17.22 have been assigned OMB #0551-0013. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Agriculture.

Sections affected by this revision cover general information; definitions of terms; purchase authorizations and subauthorizations; eligible commodities; contracts between suppliers and importers; commodity price provisions; fees, discounts, commissions, brand names, purchasing agents and shipping agents; and ASCS offices.

Major changes made by the proposed rule are explained below.

#### Section 17.1 "General"

Certain material has been deleted, such as that concerning issuance of purchase authorizations, which is covered in detail elsewhere in the regulations. References to sales for foreign currencies have been deleted here and throughout the regulations, since new agreements of this type have not been authorized since December 31, 1971.

#### Section 17.2 "Definition of Terms"

Numbers indicating individual definition paragraphs have been removed to facilitate continued alphabetical arrangement of terms whenever the regulations are amended to add or remove terms. Paragraph (b) now contains the definition of "ocean bill of lading" which appears in each commodity purchase authorization. In paragraph (c), the definition of "own or control," formerly in § 17.6(j)(2), has been added to the definition of "affiliate."

#### Section 17.5 "Approval of Purchasing and Shipping Agents"

This section, as proposed to be revised, would require participants to include in their written nomination a specific time period for which approval by the Assistant General Sales Manager of purchasing or shipping agents is requested. The Assistant General Sales Manager could approve the nomination for the period of time requested or for some shorter period.

Some participants presently do specify in the nomination a time period for which approval is requested, although they are not required to do so. This change is intended to make it clear that in approving purchasing or shipping agents the Department is responding to the request of the participant. In order to keep information received from agents relatively current, approvals will generally not extend beyond the supply period of the current Title I agreement.

#### Section 17.7 "Eligibility of Commodity Suppliers"

This section would require that, in order to be eligible to supply commodities under Title I, Pub. L. 480, a person must be engaged in the business of selling "agricultural commodities" for

export. This change is intended to assure that experienced and knowledgeable suppliers are involved and reduce the potential for delays or other problems which may affect the foreign policy and market development goals of the program.

**Section 17.10 "General Modification No. 1"**

These proposed regulations incorporate provisions presently found in "General Modification No. 1 to Appendix A and Appendix B of the Financing Regulations," as revised in October 1982.

These provisions require successful commodity suppliers to immediately notify the Program Operations Division (now P.L. 480 Operations Division), FAS, USDA, regarding Title I sales and to thereafter submit a "Declaration of Sale" form for each sale, providing the information necessary for USDA to approve the sale for financing. In addition, a provision is added requiring that a notice of any contract amendment after initial approval of the sale by USDA must be submitted to USDA. This requirement provides an opportunity for USDA to review the sale's price again, if it is affected by the contract amendment. Section 17.10 of this proposed rule incorporates these requirements.

Upon final adoption of this rule, "General Modification No. 1" will be formally withdrawn.

**Section 17.11(b) "Time of Sale" Redefined**

This proposed rule would define "time of sale" for commodities purchased under the terms of an Invitation for Bids, for the purpose of price review, as the closing date and time for submission of bids unless otherwise provided in Appendix A or the purchase authorization. For amendments to sales contracts, "time of sale" would remain as the date of the amendment.

This redefinition of "time of sale" was proposed for rice contracts on October 9, 1975 (40 FR 47514), but was not implemented as a final rule. At that time, rice was the only commodity required to be purchased under an IFB. Comments received on that proposal universally supported the change. Now that all food commodities are required to be purchased in the United States by open public Invitations for Bids (revised § 17.7(a)(2) of the regulations), it is proposed to expand the definition of "time of sale" to cover all commodities purchased under Invitations for Bids.

Changing the definition of "time of sale" for commodities purchased under IFB's will shorten the period of time

elapsing between the supplier's setting the bid price (shortly before the submission of bids) and the time which governs price review (now, the date and time the supplier knows a firm sale has been made). This change will reduce the amount of market price movement possible between the two times and consequently reduce the risk borne by the supplier; more suppliers may thereby be enabled to participate in Title I sales, maximizing competition.

Another reason for proposing to amend the definition of "time of sale" is that it is customary for price bid information under public IFB's to become public knowledge immediately following the opening of bids and preceding actual contract award. Thus, under the current definition of "time of sale," it is possible for the bids themselves to cause market price changes and alter the market price information upon which price review is conducted.

**Reorganization (FAS)**

The merger of the Office of the General Sales Manager with the Foreign Agricultural Service (45 FR 69045 dated October 15, 1980) was undertaken to strengthen the role of the General Sales Manager and to strengthen the participation of the General Sales Manager in on-going international functions. This proposed rule changes "OGSM" to "FAS" wherever it appears. In April 1983 the "Ocean Transportation Division" was renamed the "P.L. 480 Operations Division" and the P.L. 480 Branch of the former Program Operations Division was transferred to the P.L. 480 Operations Division. This proposed rule reflects this reorganization.

**Section 17.16 "ASCS Offices"**

Section 17.16 is redesignated § 17.21 and amended to correct the addresses of the ASCS offices involved in the financing procedures under Title I, Pub. L. 480. Currently, all commodity financing operations under the program, and reimbursement of ocean freight differential, are administered by the Washington, D.C. ASCS office on behalf of the Commodity Credit Corporation (CCC). This includes the accounting functions previously handled by the New York ASCS Field Office, which was closed effective May 1, 1970.

The Kansas City ASCS Commodity Office is responsible for certain functions relating to cotton purchased under the program, including price review and approval of vessels. These functions were handled by the New Orleans ASCS Commodity Office before it was closed effective August 31, 1973.

**Miscellaneous Changes**

Existing sections of the regulations not covered in this proposed revision would be redesignated, and cross-references to revised or redesignated sections of the regulations would be amended as shown in the proposed rule.

On September 13, 1978, the Department published a proposed rule (43 FR 40872) to amend the regulations concerning the financing by CCC of ocean freight costs and procedures governing approval of charter parties and booking notes for vessels carrying commodities purchased under Title I of Pub. L. 480. No further action is intended regarding that notice of proposed rulemaking and the notice should be considered as withdrawn. However, FAS is now in the process of formulating for public comment proposed rules relating to financing commodity purchases and ocean freight contracts, including a revision of § 17.6(b)(4). These proposed rules may incorporate proposal contained in the earlier notice.

**List of Subjects in 7 CFR Part 17**

Agricultural commodities, Exports, Finance, Maritime carriers.

**Proposed Rule**

**PART 17—[AMENDED]**

Accordingly, it is proposed that 7 CFR, Part 17, Subpart A, be amended as follows:

1. The authority citation for Part 17 is revised to read as follows:

Authority: Secs. 101-115, Pub. L. 480, 83rd Cong., as amended, 68 Stat. 455 (7 U.S.C. 1701 et seq.); E.O. 12220, 45 FR 44245.

2. Sections 17.9-17.18 are redesignated as §§ 17.14-17.23, respectively.

3. Sections 17.1-17.5 and §§ 17.7-17.8 are revised, § 17.6 (a), (b)(1)-(3) and (c)-(g) are revised, § 17.6 (h)-(j) are removed, and §§ 17.9-17.13 are added as follows:

- |       |  |
|-------|--|
| Sec.  |  |
| 17.1  | General.   |
| 17.2  | Definition of terms.   |
| 17.3  | Eligible commodities.  |
| 17.4  | Purchase authorizations.   |
| 17.5  | Approval of purchasing and shipping agents.                            |
| 17.6  | Contracts between commodity suppliers and importers.                   |
| 17.7  | Eligibility of commodity suppliers and selling agents.                 |
| 17.8  | Fees, discounts, commissions, brand names.                             |
| 17.9  | Notice of sale procedures (tobacco and cotton).                        |
| 17.10 | Notice of sale procedures (commodities other than tobacco and cotton). |
| 17.11 | Commodity price provisions.  |

## Sec.

- 17.12 Reports required from suppliers of commodities and ocean transportation.
- 17.13 Refund to CCC by the participant for failure to comply.

## § 17.1 General.

(a) *What this subpart covers.* This subpart contains the regulations governing the financing of the sale and exportation of agricultural commodities by the Commodity Credit Corporation, through private trade channels to the maximum extent practicable, under the authority of Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter called the Act).

(b) *Agricultural Commodities Agreements.* (1) Under the Act, the Government of the United States enters into Agricultural Commodities Agreements with governments of friendly foreign countries or with private trade entities. These agreements cover financing of the sale and exportation of agricultural commodities, including certain ocean transportation costs.

(2) Government-to-government Agricultural Commodities Agreements may provide for: (i) Sales for dollars on credit terms; and/or (ii) sales for foreign currencies on credit terms which permit conversion to dollars. Agreement with private trade entities are limited to sales for dollars on credit terms.

(c) *Purchase authorizations.* These regulations cover, among other things, the issuance by the General Sales Manager of purchase authorizations which authorize the participant to: (1) Purchase agricultural commodities; and (2) procure ocean transportation when U.S. flag vessels are to be used.

(d) *Where information is available.* The Foreign Agricultural Service issues a press release whenever a purchase authorization is issued. General information about purchase authorizations and operations under these regulations is available from the Director, Pub. L. 480 Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Information about financing operations under these regulations is available from the Controller, Commodity Credit Corporation, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. A copy of each press release is made available to the Small Business Administration to assist small business firms to have an adequate and a fair opportunity to participate as suppliers.

## § 17.2 Definition of terms.

Terms used in the regulations in this subpart are defined or identified as

follows, subject to amplification in subsequent sections:

(a) *Terms relating to the United States, its agencies and officials.*

*AMS* means the Agricultural Marketing Service, U.S. Department of Agriculture.

*ASCS* means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

*ASCS offices* means the ASCS offices listed in § 17.21 and any other offices or agencies which may succeed to the functions of these offices.

*CCC* means the Commodity Credit Corporation, U.S. Department of Agriculture.

*Controller* means the Controller, Commodity Credit Corporation, or the Controller's designee.

*FAS* means the Foreign Agricultural Service, U.S. Department of Agriculture.

*FGIS* means the Federal Grain Inspection Service, U.S. Department of Agriculture.

*General Sales Manager and GSM* mean the General Sales Manager, FAS, or the General Sales Manager's designee.

*Secretary* means the Secretary of Agriculture of the United States, or the Secretary's designee.

*USDA* means the U.S. Department of Agriculture and includes all or any of the agencies mentioned in this paragraph (a).

*United States* means the 50 States, the District of Columbia, and Puerto Rico.

(b) *Terms relating to ocean transportation.*

*Dry bulk carrier* means an irregularly scheduled vessel, other than a tanker, commonly referred to as a "tramp." Rates are negotiated covering the movement of a specific quantity of a specific commodity, at a specific time from a specific port or ports to a specific destination port or ports.

*Dry cargo liners and liners* are interchangeable terms meaning regularly scheduled vessels on specific trade routes. Shipments can be made on this service of part-cargoes (parcels) generally not exceeding 60 percent of the capacity of the vessel.

*Form CCC-106* means the various forms entitled "Advice of Vessel Approval," and refers to either the Form CCC-106-1 (Supplier of Commodity); Form CCC-106-2 (Ocean Carrier); Form CCC-106-3 (Cotton); or any or all of them, as applicable. Colors of the original forms are: Form CCC-106-1, yellow; Form CCC-106-2, blue; and Form CCC-106-3, white.

*Notice of arrival* means a written notice or copy of cablegram in accordance with § 17.14(f) stating that

the vessel has arrived at the first port of discharge.

*Ocean bill of lading* means:

(1) *In the case of cargo carried on a vessel other than LASH or Seabee barges:* An "on-board" bill of lading, or a bill of lading with an "on-board" endorsement, which is dated and signed or initialed on behalf of the carrier, or

(2) *In the case of cargo carried in a LASH or Seabee barge:*

(i) For the purpose of financing commodity price, an "on-board" bill of lading showing the date the commodity was loaded on board barges, which is dated and signed or initialed on behalf of the carrier, or a bill of lading or a LASH or Seabee barge bill of lading with an "on-board barge" endorsement which is dated and signed or initialed on behalf of the carrier.

(ii) For the purpose of financing ocean freight or ocean freight differential, an "on-board" bill of lading which is dated and signed or initialed on behalf of the carrier indicating that the barge containing the cargo was placed aboard the vessel named in the Form CCC-106 not later than eight (8) running days after the last LASH or Seabee barge loading date (contract layday) specified in the Form CCC-106, or

A bill of lading or a LASH or Seabee barge bill of lading with an "on-board ocean vessel" endorsement which is dated and signed or initialed on behalf of the carrier indicating that the barge containing the cargo was placed aboard the vessel named in the Form CCC-106 not later than eight (8) running days after the last LASH or Seabee barge loading date (contract layday) specified in the Form CCC-106.

(3) Documentary requirements for a copy of an "ocean bill of lading" refer to a non-negotiable copy thereof.

*Ocean transportation* means and is interchangeable with the term "ocean freight."

*Tanker* means a vessel which is designed to carry full cargoes of liquids. Because of compartmentalization, tankers can carry a combination of cargoes, including bulk grain. Rates are negotiated in the same manner as with dry bulk carrier.

(c) *Other terms.*

*Affiliate and associated company* mean any legal entity which owns or controls, or is owned or controlled by, another legal entity. For a corporation, ownership of the voting stock is the controlling criterion. A legal entity is considered to own or control a second legal entity if—

(1) The legal entity owns an interest of 50 percent or more in the second legal entity, or

(2) The legal entity and one or more other legal entities, in which it owns an interest of 50 percent or more, together own an interest of 50 percent or more in the second legal entity, or

(3) The legal entity owns an interest of 50 percent or more in another legal entity which in turn owns an interest of 50 percent or more in the second legal entity.

*Approved applicant* means the bank in the importing country, or other agency acceptable to CCC, designated by the participant and named in a letter of commitment issued to a banking institution. This term includes any agent authorized to act on behalf of the approved applicant.

*Banking institution* means a banking institution organized under the laws of the United States, any State, or the District of Columbia.

*Commodity* means an agricultural commodity produced in the United States, or product thereof produced in the United States, as specified in the applicable purchase authorization.

*Copy* means a photocopy or other type of copy of an original document showing all data shown on the original, including a signature or the name of the person signing the original, or, if the signature or name is not shown on the copy, a statement that the original was signed.

*Delivery* means the transfer to or for the account of an importer of custody and right of possession of the commodity at U.S. ports or Canadian transshipment points in accordance with the delivery terms of the contract and purchase authorization. For purposes of financing, delivery is deemed to occur as of the on-board date shown on the ocean bill of lading.

*Destination country* means the foreign country to which the commodity is exported.

*Foreign currency and local currency* are interchangeable terms and mean the currency of the importing country.

*Form CCC-329* means the signed original of Form CCC-329, "Supplier's Certificate."

*Importer* means the person which contracts with the supplier for the importation of the commodity. The importer may be the participant or any person to which a participant has issued a subauthorization.

*Importing country* means any nation with which an agreement has been signed under the Act.

*Invitation for bids and IFB* mean a publicly advertised request for offers.

*Legal entity* includes, but is not limited to, an individual (except that an individual and his or her spouse and their minor children are considered as

one legal entity), partnership, association, company, corporation and trust.

*Letter of Credit* means an irrevocable commercial letter of credit issued, confirmed, or advised by a banking institution on behalf of an approved applicant.

*Long-term credit sale* is the collective term used to denote either or both of the following: (1) Sales to an importing country or a private trade entity for dollars on credit terms; or (2) sales to an importing country for local currency on credit terms which permit conversion to dollars.

*Participant* is the collective term used to denote the importing country or the private trade entity with which an agreement has been negotiated under the Act.

*Person* means an individual or other legal entity.

*Purchase authorization* means Form FAS-480 (Commodity), "Authorization to Purchase Agricultural Commodities," issued to a participant under these regulations.

*Purchasing agent* means any person engaged by a participant to procure agricultural commodities.

*Private trade entity* means the individual or other nongovernmental legal entity with which an agreement has been negotiated under the Act.

*Selling agent* means any person who operates as a bona fide representative for the supplier of the commodity and who is not employed by or otherwise connected with the importer or the importing country.

*Shipping agent* means any person engaged by a participant to arrange ocean transportation.

*Ships broker* means any person engaged by a supplier of ocean transportation to arrange employment of vessels.

*Supplier* means any person who sells a commodity to an importer under the terms of a purchase authorization, or who sells ocean transportation to an importer or supplier of the commodity under the terms of a purchase authorization.

#### § 17.3 Eligible commodities.

(a) *General.* Commodities eligible for financing are those commodities determined by the Secretary to be available for disposition under the Act.

(b) *Commodity description and specification.* The commodity and quantity thereof to be financed shall be as described and specified in the relevant purchase authorization.

(c) *Cotton textiles.*

(1) Except as provided in paragraph (c)(2) of this section, financing of textiles

under these regulations is limited to cotton yarns and fabrics processed up to and including the dyed and printed state, and preshrinking. Any processing of such yarns and fabrics beyond this stage will be at the expense of the participant.

(2) Purchase authorizations may permit cotton textiles processed beyond the stage described in paragraph (c)(1) of this section to be purchased, but the maximum financing by CCC is limited to the equivalent value of the cotton yarns and fabrics described in paragraph (c)(1) of this section, contained in the textiles, plus eligible ocean transportation costs.

(3) Financing is available only for textiles manufactured entirely of U.S. cotton in the United States. The General Sales Manager will not issue a purchase authorization for a textile of a specification not produced in the United States, but may issue a purchase authorization for the financing of a textile produced in the United States which has a specification reasonably close to that requested by the participant.

#### § 17.4 Purchase authorizations.

(a) *Application.* For each purchase authorization, the participant shall submit to the General Sales Manager an application for authorization to purchase the commodity, on Form FAS-480 (Application). The application must state the usual marketing requirements for the commodity in accordance with the applicable agreement, and must include any other information required by the General Sales Manager.

(b) *Issuance of purchase authorization.* When the application has been approved by the General Sales Manager, the GSM shall issue a purchase authorization to the participant. The form used is Form FAS-480 (Commodity), "Authorization to Purchase Agricultural Commodities."

(c) *Purchase authorizations.* Each purchase authorization includes the following information:

(1) The commodity to be purchased, approximate quantity and maximum dollar value;

(2) Contracting requirements in addition to or in lieu of those in Appendix A of this subpart, if any;

(3) The contracting period, during which suppliers and importers must enter into contracts; and the delivery period, during which the commodity must be delivered;

(4) The terms of delivery to the importer;

(5) Documentation required in support of drafts presented to banks by suppliers in addition to or in lieu of the

documentation specified in Appendix B of this subpart;

(6) Provisions relating to payment to CCC, if applicable;

(7) The ASCS office which administers the financing operation on behalf of CCC;

(8) The method of financing;

(9) Any limitation relating to financing by CCC in addition to or in lieu of those specified in these regulations;

(10) Authorization to procure ocean transportation, and provisions relating to the financing of ocean freight or ocean freight differential, as applicable;

(11) Any other provisions considered necessary by the General Sales Manager.

(d) *Applicability of this subpart.* In addition to the provisions of a particular purchase authorization, each purchase authorization, unless otherwise provided, is subject to the provisions of this subpart to the same extent as if the provisions were fully set forth in the purchase authorization.

(e) *Modification or revocation.* The General Sales Manager reserves the right at any time for any reason or cause whatsoever to supplement, modify, or revoke any purchase authorization, including the termination of deliveries, if it is determined to be in the interest of the U.S. government. CCC shall reimburse suppliers who would otherwise be entitled to be financed by CCC for costs which were incurred as a result of such action by the General Sales Manager in connection with firm sales or shipping contracts, and which were not otherwise recovered by the supplier after a reasonable effort to minimize such costs: Provided, however, That such reimbursement shall not be made to a supplier if the General Sales Manager determines that the GSM's action was taken because the supplier failed to comply with the requirements of the regulations in this subpart or the applicable purchase authorization; *Provided further,* That reimbursement to suppliers of ocean transportation shall not exceed the ocean freight differential when the purchase authorization provides only for financing the differential.

(f) *Extension of delivery period in a purchase authorization.* The General Sales Manager will consider a request for extension of the delivery period in a purchase authorization only if the participant submits the request. The request should be submitted as soon as the participant knows that delivery may not be completed, or was not completed, within the period specified in the purchase authorization. The request for extension must establish to the satisfaction of the GSM that failure to

complete delivery was due to a cause other than the fault or negligence of the importer or the supplier. The GSM may also approve the request for extension if the GSM determines that an extension would be in the interest of the U.S. government.

(g) *Subauthorizations.* (1) The participant may issue subauthorizations to importers consistent with the terms of the applicable purchase authorization. The participant, in subauthorizing, shall instruct importers to use the applicable purchase authorization number in placing orders and shall specify to importers all the provisions of the applicable purchase authorization which apply to the subauthorization.

(2) Each importer granted a subauthorization shall inform the supplier that the transaction is to be financed under the provisions of the regulations in this subpart. The importer shall also provide the supplier with the applicable purchase authorization number. The importer shall inform the supplier of any special provisions which affect the supplier in carrying out the transaction.

(h) *Letter of conditional reimbursement.* The General Sales Manager may choose to issue a letter of conditional reimbursement to an importing country or private trade entity with which an Agricultural Commodities Agreement is being considered. This letter authorizes the importing country or private trade entity to apply for a purchase authorization under which it may obtain reimbursement for certain costs it incurs in the procurement of the commodity and ocean freight before the Agricultural Commodities Agreement is signed. The reimbursement is conditioned on the signing of an Agricultural Commodities Agreement with the participant, providing for the financing of the commodity and ocean freight, and on the participant's complying with the terms and conditions set forth in the agreement, the letter of conditional reimbursement, and the purchase authorization.

#### § 17.5 Approval of purchasing and shipping agents.

(a) *General.* A participant is not required to use a purchasing agent or shipping agent; however, if a purchasing or shipping agent is to be used, the participant shall submit the nomination(s) of the purchasing agent or shipping agent to the GSM in writing along with a copy of the proposed agency agreement. The participant shall also specify in the nomination the period of time for which such approval is requested. A person may not act as purchasing or shipping agent, or as both,

if disapproved in writing by the Assistant General Sales Manager in accordance with the provisions of this section.

(b) *"Affiliate" defined.* For purposes of this section, the term "affiliate" has the meaning provided in § 17.2(c), in addition, persons will also be considered to be affiliates if any of the following conditions are met:

(1) There are any common officers or directors.

(2) There is any investment by ships brokers, ocean transportation suppliers, approved commodity suppliers, or selling agents, or their officers or directors, in the purchasing agent or shipping agent.

(3) There is any investment by the purchasing agent or shipping agent, or its officers or directors, in ships brokers, ocean transportation suppliers, approved commodity suppliers, or selling agents.

These conditions include those cases in which investment has been concealed by the utilization of any scheme or device to circumvent the purposes of this section but does not include investment in any mutual fund.

(c) *Information to be furnished.* A person whose nomination has been submitted to act as a purchasing agent or shipping agent, or both, shall furnish to the Assistant General Sales Manager the following information or documentation as may be applicable: (OMB No. 0551-0005)

(1) The names of all incorporators;

(2) The names and titles of all officers and directors;

(3) The names and proportionate share interest of all stockholders;

(4) If beneficial interest in stock is held by persons other than the named shareholders, the names of the holders of the beneficial interest and the proportionate share of each;

(5) The amount of the subscribed capital;

(6) A written undertaking signed by such person agreeing that, if approved, neither the person nor any affiliates, as defined in this section, will act as a ships broker, ocean transportation supplier, commodity supplier, or selling agent in any Title I transactions with the participant during the term of the agency agreement; and

(7) A certification that the person has not arranged to give or receive any payment or other benefit in connection with the person's selection as agent.

(d) *Approval.* Consideration will be given to approval of a person to act as a shipping or purchasing agent, or both, when the documents required to be submitted by this section are received

by the Assistant General Sales Manager. Approval of a nomination for purchasing agent or shipping agent may be withheld for a period not to exceed 30 calendar days pending completion of any investigation considered appropriate.

(e) *Duration of approval.* The approval of a purchasing agent or shipping agent to act for a participant shall remain in effect for the period of time requested by the participant or such shorter period as the Assistant General Sales Manager may determine. Generally, the Assistant General Sales Manager will not issue approvals extending beyond the supply period of the current Title I agreement. Such approval will be automatically terminated if the shipping or purchasing agent or any of the affiliates of such agent, acts as ships broker, ocean transportation supplier, commodity supplier or selling agent in connection with any Title I transaction for such participant during the term of the agency agreement.

(f) *Notification.* The Assistant General Sales Manager shall promptly notify persons seeking approval as purchasing or shipping agents of the determination or of the need for further investigation. If such person is disapproved, the notification shall state the reasons therefor. The determination of the Assistant General Sales Manager is effective immediately and continues in effect pending the result of any appeal to the General Sales Manager.

(g) *Disapproval or termination of approval.* Any person whose nomination has been disapproved or whose approval has been terminated pursuant to the provisions of this section may, within 30 calendar days, present to the General Sales Manager, orally or in writing, any reasons as to why such action should not stand. Nothing herein shall be construed as to prohibit a shipping agent or purchasing agent, whose application has been disapproved or whose approval has been terminated, from being nominated at a later time.

(h) *Unapproved purchasing agent.* If, in the procurement of commodities made available under Title I, Pub. L. 480, a participant uses a purchasing agent which has not been approved in writing by the Assistant General Sales Manager, USDA may withhold sales approval.

(i) *Unapproved shipping agent.* If, in the shipping of commodities made available under Title 1, Pub. L. 480, a participant uses a shipping agent which has not been approved in writing by the Assistant General Sales Manager, USDA may withhold vessel approval or may deduct from the ocean freight differential to be paid, the amount of the

shipping agent's commission in connection with the shipment.

#### § 17.6 Contracts between commodity suppliers and importers.

(a) *Contracts—eligibility for financing.* To be eligible for financing, commodity contracts must comply with the following requirements unless otherwise specified in the purchase authorization.

(1) Commodity contracts between suppliers and importers are considered to be conditioned on the approval by USDA of the supplier; the selling agent, if any; the contract price; and, whenever purchases are made on the basis of an IFB, responsiveness of the offer to IFB terms.

(2) Importers and suppliers must enter into contracts within the contracting period specified in the purchase authorization. The contracts must provide for deliveries to the importer in accordance with the delivery terms and during the delivery period specified in the purchase authorization, or any amendment or modification thereto. (See § 17.4(f).)

(3) Contracts for a commodity, under a purchase authorization which limits contracting to f.o.b. or f.a.s. terms, must be separate and apart from the contracts for ocean transportation of the commodity.

(4) The contracted price may not be on a cost plus a percentage-of-cost basis.

(b) *Contracting procedures—(1) Purchasing—general.* (i) Importers may purchase through negotiation with commodity suppliers of the importer's choice unless the regulations or the purchase authorization requires that purchases be made on the basis of Invitations for Bids (IFB's).

(ii) The participant shall maintain a record of all offers received from suppliers either as a result of IFB's or negotiation, until the expiration of three years after final payment under contracts awarded under the purchase authorization. The GSM may examine these records or request specific information in connection with the offers.

(2) *Purchasing—food commodities.* The importer shall purchase food commodities on the basis of IFB's.

(3) *Invitations for bids.* The following conditions shall apply on all purchases of commodities on the basis of IFB's.

(i) The General Sales Manager must approve the terms of the IFB before it is issued by the importer.

(ii) The importer shall issue the IFB in the United States and shall open all offers in public in the United States at the time and place specified in the IFB.

(iii) The IFB must permit submission of offers from all suppliers who meet the requirements of the regulations.

(iv) The IFB may not preclude offers for shipment from any United States port(s) unless the purchase authorization provides for exportation only from certain ports.

(v) The IFB may not establish minimum quantities to be offered or which will be considered.

(vi) The IFB must be in compliance with the regulations, the purchase authorization, and sound commercial standards.

(4) \* \* \*

(c) *Contract quantity eligible for financing.* The quantity eligible for financing in the contract between the supplier and the importer may not exceed that quantity approved by the P.L. 480 Operations Divisions, FAS, including any approved contract tolerance.

(d) *Contract disputes.* Contracts between suppliers and importers should stipulate the responsibility of each party for payment of any costs not eligible for financing by CCC. Questions as to payment of ineligible costs should be resolved between the contracting parties.

(e) *Special contracting provisions.* The general provisions for contracting set forth in this section are supplemented by special contracting provisions in Appendix A applicable to individual commodities. Each purchase authorization, unless otherwise provided, is subject to the special provisions of Appendix A for the specific commodity named in the purchase authorization as though such special provisions were fully set forth in the purchase authorization. Each contract entered into for financing under these regulations is deemed to include all terms and conditions required by the regulations in this subpart.

(f) *Export Trade Act (Webb-Pomerene Law).* A supplier who is a member of Webb-Pomerene Association and who enters into contracts with importers as a member of such an association shall so indicate in a statement on, or attached to, the copy of the supplier's detailed invoice referred to in § 17.18(c)(2).

(g) *Shipment before letter of credit.* If the supplier of the commodity permits shipment, or the supplier of ocean transportation accepts the commodity, before receipt of an acceptable letter of credit from a bank, the supplier takes such action at its own risk. This action in itself does not affect eligibility for CCC financing provided acceptable documentation is presented within the

time limitations prescribed in the regulations in this subpart.

**§ 17.7 Eligibility of commodity suppliers and selling agents.**

(a) *Commodity suppliers (requirements).* (1) The commodity supplier must be engaged in the business of selling agricultural commodities for export from the United States.

(2) The commodity supplier must maintain a bona fide business office in the United States, and shall have a person, principal or agent, on whom service of judicial process may be had in the United States.

(3) A person which is more than 50 percent owned by a foreign government, or which is controlled by a foreign government, may not act as a commodity supplier.

(b) *Commodity suppliers (approval).* (1) Commodity suppliers must be approved by USDA as eligible under the Pub. L. 480, Title I program in order for their contracts to be eligible for CCC financing.

(2) Persons who wish to participate as commodity suppliers may be required to submit the following information to USDA, which will determine their eligibility: (OMB No. 0551-0005)

(i) A current financial statement of the person as evidence of financial responsibility.

(ii) A statement containing general background information about the person, with particular reference to experience as an exporter of U.S. agricultural commodities, and any other information requested relating to whether the person is a responsible person and able to perform its obligations under this subpart and the purchase authorization.

(3) A commodity supplier's sales will not be approved unless the supplier has submitted a statement listing name, address and chief executive officers of all legal entities, foreign and domestic, which the supplier owns or controls. The supplier shall submit similar information for all legal entities which own or control the supplier and for all legal entities which are owned or controlled by any legal entity which owns or controls the supplier.

(i) The term "chief executive officers" includes:

(A) The president, or if no president, the chairman of the board of directors, and

(B) The vice president, but in cases of multiple vice presidents only the principal vice president, and then only if one is so designated, and

(C) Any other person who is designated as, or who acts in the capacity of, a chief executive officer.

(ii) If a person has been approved as an eligible supplier, the statement required in (b)(3) of this section must be kept current; that is, all changes must be reported within three months after they have occurred. If an approved supplier does not keep this statement current, USDA may disapprove the supplier's sales.

(iii) A statement filed by a subsidiary is considered complete as to the legal entities which it owns or controls and any other legal entities owned or controlled by the parent (including the chief executive officers for all such companies) if the subsidiary certifies thereon that such information has been furnished to USDA in a separate statement filed by the parent.

(4) The supplier shall submit the information required in this section to the appropriate office listed below:

(i) For all commodities except tobacco and cotton, to the Director, P.L. 480 Operations Division, FAS, USDA, Washington, D.C. 20250.

(ii) For tobacco, to the Director, Tobacco and Peanuts Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.

(iii) For cotton, to the Director, Kansas City ASCS Commodity Office, P.O. Box 8510, Kansas City, Missouri 64114.

(5) The General Sales Manager, FAS, is responsible for approval of suppliers of all commodities except tobacco and cotton. The Administrator, ASCS, is responsible for approval of suppliers of tobacco and cotton.

(6) USDA may permit a person to act as a commodity supplier only on submission of acceptable performance security in the form of a letter of credit which will assure that the person and the person's selling agents will perform the obligations required under this subpart and the purchase authorization.

(c) *Selling agents (requirements).* If, at the time the commodity supplier reports the sale for price approval, it is determined that an agent employed or engaged by a commodity supplier to obtain a contract is not a selling agent as defined in § 17.2(c), the sale will not be eligible for financing. (See § 17.3(c) regarding commissions to selling agents for food commodities.)

(d) *Disapproval; approval under certain conditions.* USDA shall notify promptly a prospective supplier or a selling agent who is not approved, or who is approved under certain conditions established under these regulations. The notification will state the reasons for the action taken or conditions established. The prospective

supplier or selling agent may appeal the action to a designated USDA official and submit further information, orally or in writing, bearing on the determination.

**§ 17.8 Fees, discounts, commissions, brand names.**

(a) *Consular fees.* CCC will not finance consular fees imposed for the issuance or legalization of consular invoices or certificates in connection with the importation of commodities into a foreign country.

(b) *Discounts.* If a contract provides for one or more discounts (including but not limited to trade or quantity discounts and discounts for prompt payment) whether expressed as such or as "commissions" to the importer, only the invoice amount after discount (supplier's contracted price less all discounts) is eligible for financing.

(c) *Commissions.* (1)(i) For non-food commodities, a commission to a selling agent as defined in § 17.2(c), employed or engaged by the supplier to obtain a contract, is eligible for financing to the extent that such commission is included in the contract price, except as stated in this paragraph.

(ii) For food commodities, a commission, fee or other payment to a selling agent as defined in § 17.2(c), employed or engaged by the supplier to obtain a contract, is prohibited.

(A) Any act by a person on behalf of a commodity supplier, which would influence or tend to influence a buyer to award a contract to the supplier, or which may result in the supplier's having a competitive advantage in relation to other potential suppliers, constitutes an act "to obtain a contract." Furthermore, any act by a person on behalf of a commodity supplier to influence USDA to approve a contract for financing constitutes an act "to obtain a contract."

(B) Services on behalf of a supplier which are purely ministerial in nature and do not require the exercise of personal influence, judgment, or discretion, such as attending bid openings or presenting offers at bid openings, would not in themselves be considered acts "to obtain a contract."

(C) Services to implement a contract after it has been entered into by the parties thereto, such as handling documentation problems or contract disputes, would not constitute acts "to obtain a contract."

(D) Payments of any kind to a person who has acted as a selling agent to obtain a contract, including payments for services that may be performed in connection with such contract which in

themselves are not services to obtain a contract, are prohibited.

(2) A commission paid or to be paid to any agency, including a corporation, owned or controlled by the participant or the government of the destination country is not eligible for financing.

(3) A commission paid or to be paid to any agent, broker or other representative of the participant or the importer is not eligible for financing. This limitation does not apply to ocean transportation brokerage commissions which do not exceed 2½ percent of the freight financed.

(4) For ocean transportation, in addition to this paragraph, see also § 17.14(i)(8).

(5) If a commission is paid in violation of paragraph (c) (2) or (3) of this section, CCC may demand dollar refund of the entire amount financed by CCC under the contract.

(6) The supplier should be aware of § 17.12 regarding reports required on certain commissions paid.

(d) *Brand names.* Brand names are not required to be shown on packaged commodities. If, however, a brand name is used, it must be a bona fide U.S. brand. The container or attached label must show the name and U.S. business address of the supplier or the manufacturer. Any reference on the container or attached label to foreign addresses of suppliers or foreign brand names is prohibited and will make the sale ineligible for financing. If the markings on the shipping container include a brand name, such brand name must be identical with the brand name on the unit container.

**§ 17.9 Notice of sale procedures (tobacco and cotton).**

The notice of sale procedures for tobacco and cotton are contained in Appendix A of the regulations and the purchase authorization.

**§ 17.10 Notice of sale procedures (commodities other than tobacco and cotton).**

(a) *Submission of notice of sale.* The supplier shall, immediately upon making a firm sale, telephone a notice of sale to P.L. 480 Operations Division, FAS, (202) 447-5780. (OMB No. 0551-005)

(1) A sale is considered firm under the regulations when the supplier has been notified by the importer of an award, even though the contract is conditioned on approval by FAS of the price; the supplier; the selling agent, if any; conformance of the sale to the provisions of the purchase authorization; and responsiveness of the offer to the IFB terms.

(2) The supplier shall not withhold the notice of sale because of the existence of contract provisions which make a contract conditional on the occurrence of certain events, i.e., on approval of the price by FAS, on the receipt of acceptable letter(s) of credit, or receipt of delivery instructions.

(3) Each notice of sale shall cover only a single sale contract. If a sale is made under two or more purchase authorizations, separate notices of sale shall be submitted for each purchase authorization.

(4) If the supplier fails to furnish a notice of sale within 5 calendar days after the date of sale, CCC has the right to refuse to finance the sale.

(5) The following information must be included in the notice of sale. (Contracts containing options for the items listed in this paragraph (a)(5) are acceptable only as provided in paragraph (a)(5)(vii) or the purchase authorization.)

(i) Purchase authorization number.

(ii) Name and address of supplier.

(iii) Date and time of sale. (See § 17.11(b)(2).)

(iv) Country to which export is to be made (destination).

(v) Name of importer.

(vi) Contract quantity expressed in the contract unit and in the quantity unit in which the commodity normally trades.

(vii) Contract tolerance, if any, expressed in percentage, but not in excess of 5 percent more or less. This tolerance must be at buyer's option and must include any loading tolerance. If the contract does not provide a tolerance, show "No tolerance."

(viii) Price contract unit and per quantity unit in which to commodity normally trades.

(ix) Coast or port of export (e.g., East coast, West coast, Gulf coast, Great Lakes port) or Canadian transshipment point in the case of bulk grain.

(x) Delivery period specified in the contract.

(xi) Delivery terms (f.o.b., f.a.s., etc.).

(xii) Complete commodity description.

(xiii) Complete packaging description and packaging material specifications if export is other than in bulk.

(xiv) Supplier's contract number, sale number, or order number, if any.

(xv) Name and address of selling agent (supplier's agent) if any. If none, show "None."

(xvi) Import license number when required by the purchase authorization.

(xvii) Any other terms of the contract between the supplier and importer not specifically provided for in this paragraph (a)(5) which would affect the delivery of the commodity to be exported.

(xviii) Any additional information requested by the purchase authorization.

(b) *Sale approval.* (1) Pub. L. 480 Operations Division, FAS, will notify the supplier by telephone as to whether it has been determined on the basis of the information submitted in the notice of sale—

(i) That the price is approved for financing;

(ii) That the supplier and the selling agent, if any, are approved under the program;

(iii) That the sale conforms to the provisions of the purchase authorization; and

(iv) That the offer is responsive to the terms of the IFB.

(2) The supplier shall prepare Form FAS-359 (or CCC-359), "Declaration of Sale," and shall mail or otherwise deliver it to P.L. 480 Operations Division, FAS, promptly as soon as FAS has provided the CCC Registration Number to the supplier.

(3) The supplier shall enter on the Declaration of Sale form the same information as provided in paragraph (a)(5) of this section. Each Declaration of Sale form covers only a single sale contract. The supplier shall submit the Declaration of Sale form in an original and 4 copies, and it must be signed by the supplier or the supplier's authorized representative.

(4) USDA will return two copies of the Declaration of Sale form to the supplier, signed for the General Sales Manager by an authorized official, confirming the telephonic approval given as provided in paragraph (b)(1) of this section.

(5) Declaration of Sale forms are available from P.L. 480 Operations Division, FAS, USDA, Washington, D.C. 20250. Telephone (202) 447-5780.

(c) *Sale disapproval.* (1) P.L. 480 Operations Division, FAS, will notify the supplier by telephone and telegraph when a sale is disapproved for financing. The related contract between the supplier and importer shall, for purposes of financing, be considered null and void.

(2) On receipt of a notice of disapproval, the supplier shall promptly notify the importer.

(d) *Contract delivery period.* Price approval is limited to exports made during the delivery period stated in the notice of sale or any amendment thereto submitted to P.L. 480 Operations Division, FAS, even though the purchase authorization may authorize a final delivery date later than that stated in the sale. If the supplier cannot complete delivery on or before the terminal delivery date of the contract delivery period, the supplier shall submit a notice

of contract amendment as provided in paragraph (e) of this section. If the supplier fails to comply, § 17.17(d) of the regulations shall apply.

(e) *Contract amendments.* (1) The supplier shall submit a notice of each contract amendment to the Director, Pub. L. 480 Operations Division, FAS/EC, by telephone or telegraph immediately after the amendment to the contract is made. (Telex: 89 491; TWX: 710 822 9424 or 9425.) This includes not only any change in the contract delivery period or any other terms and conditions of the contract as provided in the information given in the original notice of sale or any amendment thereto, but also any change in any other terms and conditions of the contract. (OMB No. 0551-0005)

(2) If a notice of an amendment is made by telephone, the supplier shall confirm immediately in writing (by telegraph).

(3) The supplier shall include only amended items pertaining to a single sale in one amendment notice.

(4) The notice of contract amendment must contain the following:

(i) A request that USDA approve an amendment to the specifically identified sale contract between the Government of (country) and (commodity supplier).

(ii) A statement of what the amendment consists of (as, extension of delivery period through (date)) and a detailed explanation of the reasons for the amendment.

(iii) A statement that the contract amendment has been agreed to by both buyer and seller.

(5) Any amendment to a contract for which FAS has given price approval subjects the terms of the contract, as amended, to reexamination by FAS for the purpose of financing under Pub. L. 480.

(6) Pub. L. 480 Operations Division, FAS, will notify the supplier by telegraph and telephone as to whether the amendment is approved or disapproved.

(7) Any amendment must be consistent with the provisions of the purchase authorization and the regulations and must otherwise be acceptable to Pub. L. 480 Operations Division, FAS.

(8) The supplier shall furnish a copy of the USDA telegraphic approval of the amendment with other documentation submitted to obtain payment.

(9) If the supplier fails to furnish notice of a contract amendment to P.L. 480 Operations Division, FAS, within five calendar days after the date of such amendment, CCC has the right to refuse to finance the sale or to finance such portion of the contract price or contract

quantity as it may determine to be in the interest of the U.S. government.

#### § 17.11 Commodity price provisions.

(a) *USDA price approval.* In order for a sale to be eligible for CCC financing, the commodity price must be approved by USDA. (See §§ 17.9 and 17.10).

(b) *Maximum price.* (1) The supplier's sales price may not exceed the prevailing range of export market prices as applied to the terms of sales at the time of sale, as determined by USDA.

(2) The "time of sale," unless otherwise defined for specific commodities in Appendix A of this subpart or the purchase authorization, means

(i) For commodities purchased under an Invitation for Bids, the date and time specified in the IFB for submission of offers; or

(ii) For all other commodities, the date as of which the sales price is established in or under the contract between the importer and the supplier.

(iii) For contract amendments for all commodities, the "time of sale" means the date of any amendment if the amendment in any manner affects the sale price as determined by USDA.

(3) If USDA is unable to ascertain the prevailing range of export market prices for a specific commodity, USDA will determine a maximum export market price, representing the top of the range of export market prices, for the commodity at the time of sale for the time and place of delivery provided for in the contract. In so determining a maximum export market price USDA will use, as needed, available domestic or export market information for the same or other quality descriptions, packagings, locations, and dates; will apply appropriate market differentials and other factors as would be reflected in the export market price at the time of sale for the time and place of delivery; and will take into account CCC export sales prices when appropriate.

(4) When the purchase authorization provides for a maximum price, expressed in dollars and cents or computed on a stated basis, the supplier's sales price may not exceed this maximum price.

(c) *Refund of excess price.* If the sale has been financed and the sales price is determined to exceed the maximum price permissible under this section, the supplier shall refund the amount of the excess in accordance with § 17.17(d).

#### § 17.12 Reports required from suppliers of commodities and ocean transportation.

(a) *General.* Suppliers of: (1) Agricultural commodities financed under the Act; and (2) U.S. flag vessels

on which such commodities are transported, if ocean freight differential payments are made by CCC with respect thereto, shall report to the General Sales Manager any commission, fee or other compensation of any kind (hereinafter referred to as "payment") which, in connection with the supplying of such commodities or vessels, is paid or to be paid by the supplier to any agent, broker, or other representative of the importer or importing country, including a corporation owned or controlled by the importer or importing country, to which the supplier furnishes such commodities or vessels. (OMB No. 0551-0005)

(b) *Compensation.* The term "other compensation of any kind" in paragraph (a) above means anything given in return for any consideration, services, or benefits received or to be received by the supplier in connection with the supplying of commodities or vessels financed under the Act.

(c) *Reporting.* The supplier shall report in writing as soon as this supplier knows that a payment as described in paragraph (a) of this section is made or to be made. Reports must be submitted to the General Sales Manager, Room 4073-S, Foreign Agricultural Service, Export Credits, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) *Information to report.* The supplier shall include in the report the following information with respect to each payment reported under paragraph (a):

(1) The name and address of the person to whom the payment was made or is to be made, and the person's relationship to the importer or importing country.

(2) The date payment made or approximate date when payment is to be made, and amount or approximate amount of payment.

(3) An explanation of the transaction in connection with which the payment was made or is to be made.

(4) The number(s) of the purchase authorization(s) providing for the financing under the Act of the sale of agricultural commodities to the importer or importing country to whose agent, broker or other representative the payment was made or is to be made.

(e) *Knowledge imputed.* Knowledge of any fact material to obligations under this section shall be imputed to the supplier if the supplier should reasonably have known that such fact existed.

(f) *Information available for public inspection.* The information in reports filed hereunder will be available for public inspection by contacting the General Sales Manager, FAS, USDA, at

the address given in paragraph (c) of this section.

(g) *Failure to file a report or filing a false report.* Failure to file a required report or the filing of a false report hereunder constitutes a cause for debarment pursuant to 7 CFR 1407.5(c). Whenever the GSM believes, or has reason to believe, that a supplier has failed to file a report as required by this section or has filed a false report thereunder, the GSM is authorized to institute suspension or debarment proceedings against the supplier in accordance with the provisions of 7 CFR Part 1407.

(h) *Debarment.* If a final determination has been made under 7 CFR Part 1407 that a supplier has failed to file a report as required by this section or has filed a false report thereunder, the supplier shall be debarred, for a period of five years from the date of such final determination, from furnishing—directly or indirectly—commodities financed under the Act or U.S. flag vessels on which such commodities are to be transported if ocean freight differential payments are to be made by CCC with respect thereto. Such supplier may also be debarred (in accordance with 7 CFR Part 1407) from participating in other programs administered or financed by CCC.

**§ 17.13 Refund to CCC by the participant for failure to comply.**

The participant shall pay in U.S. dollars promptly to CCC on demand by the General Sales Manager the entire amount financed by CCC (or such lesser amount as the GSM may demand) whenever the GSM determines that the participant has failed to comply with any agreement or commitment made by the participant in connection with the transaction financed.

4. The terms "Office of the General Sales Manager" and "OGSM" are changed to read "Foreign Agricultural Service" and "FAS" respectively, wherever they appear in the Regulations and Appendices A and B.

5. The terms "Program Operations Division" and "Ocean Transportation Division" are changed to read "P.L. 480 Operations Division" wherever they appear in the Regulations and Appendices A and B.

**§ 17.14 [Amended]**

6. In newly redesignated § 17.14, the first sentence of paragraph (a)(1) is revised to read as follows: "This section applies to the financing of ocean freight or ocean freight differential for long-term credit sales."

7. The address of the Director, ASCS Commodity Office, U.S. Department of

Agriculture, is changed from "Wirth Building, 120 Marais Street, New Orleans, La. 70112" to "P.O. Box 8510, Kansas City, Missouri 64114" in newly redesignated § 17.14, paragraph (b)(1); and in Appendix A, Sections (V) (1), (6), and (10), and Sections (W) (1) and (10).

8. The term "New Orleans ASCS Commodity Office" is changed to read "Kansas City ASCS Commodity Office" in newly redesignated § 17.14, paragraphs (c)(1), (h), (j)(3)(ii), (j)(4), and (j)(6); and in Appendix A, Sections (V) (5) and (9)(b), and Sections (W) (5), (6), and (9)(b).

9. In newly redesignated § 17.14, paragraph (d)(4) is amended by changing "§ 17.9(1)" to "§ 17.14(1)."

10. In newly redesignated § 17.14, paragraph (k)(6) is amended by changing "§ 17.13(d)(2)" to "§ 17.18(d)(2)."

11. In newly redesignated § 17.14, paragraph (k)(8)(ii) is removed and reserved.

**§ 17.15 [Amended]**

12. In newly redesignated § 17.15, paragraph (h)(4) is amended by changing "§ 17.13" to "§ 17.18."

13. In newly redesignated § 17.15, paragraph (j) is amended by changing "§ 17.7" to "§ 17.11" and "§ 17.15(b)(7)" to "§ 17.20(b)(7)."

14. In newly redesignated § 17.15, paragraph (o) is removed and reserved.

**§ 17.16 [Amended]**

15. In newly redesignated § 17.16, paragraph (a) is amended by changing the heading to read "(a) General." and changing "§ 17.13(c)" to read "§ 17.18 (c) and (d)."

16. In newly redesignated § 17.16, paragraphs (b) and (h) are removed and reserved.

**§ 17.17 [Amended]**

17. In newly redesignated § 17.17, paragraph (d) is amended by changing "§ 17.7" to "§ 17.11."

18. In newly redesignated § 17.17, paragraph (e) is amended by revising it to read as follows:

**§ 17.17 Adjustment refunds and insurance.**

(e) *Refunds received by CCC.* For refunds received by CCC under long-term credit agreements, the participant's account shall be credited with the dollar amount refunded or otherwise recovered, and the participant notified accordingly.

19. In newly redesignated § 17.18, paragraph (b)(1)(ii) is amended by revising it to read as follows:

**§ 17.18 Documentation.**

(b) \* \* \*

(1) \* \* \*

(ii) Documents submitted to CCC to obtain reimbursement under a purchase authorization which provides financing for ocean freight, or ocean freight differential.

20. In newly redesignated § 17.18, paragraph (d)(6) is amended by changing "§ 17.9(m)" to "§ 17.14(m)."

21. In newly redesignated § 17.18, paragraph (d)(7) is amended by changing "§ 17.9(j)(1)" to "§ 17.14(j)(1)."

**§ 17.19 [Amended]**

22. In newly redesignated § 17.19, paragraph (a) is amended by changing "§ 17.13" to "§ 17.18."

23. In newly redesignated § 17.19, paragraph (b)(2) is amended by changing "§ 17.15(a)(7)" to "§ 17.20(a)(7)."

24. The first paragraph of newly redesignated § 17.20 is amended by changing "§§ 17.10 and 17.14" to "§§ 17.15 and 17.19."

25. In newly redesignated § 17.20, paragraph (a)(1) is amended by changing "§ 17.13" to "§ 17.18."

26. In newly redesignated § 17.20, paragraphs (a)(2) and (7)(iii) are revised to read as follows:

**§ 17.20 Responsibilities of banking institutions for transactions under letters of commitment.**

(a) \* \* \*

(2) *Advice to approved applicant.* The banking institution shall airmail advice of the amount of dollar disbursement or the dollar amount and maturity date of time drafts accepted to the approved applicant or to the bank or agency authorized by the approved applicant to open related letters of credit. If documents and advice of payment are sent to such bank or agency, another advice of payment shall be airmailed to the approved applicant. The transmittal shall include a request that the approved applicant or the bank or agency authorized by the approved applicant to open related letters of credit notify the participant that "the net amount of the supplier's invoice financed by CCC under the transaction is \$\_\_\_\_\_."

(7) \* \* \*

(iii) Include with the advice of dollar disbursement or time draft accepted under the letter of credit; advice of the net dollar amount for which the participant is indebted to the government of the United States. Such notice shall be in substantially the following language:

The amount of \$—— paid to the beneficiary includes an ocean freight differential of \$——. The participant is indebted to the government of the United States for the net amount of \$——.

27. In newly redesignated § 17.20, paragraph (a)(6) is amended by changing "§ 17.10(h)(3)" to "§ 17.15(h)(3)."

28. In newly redesignated § 17.20, paragraph (a)(9)(ii) is amended by changing "§ 17.12" to "§ 17.17."

29. In newly redesignated § 17.20, paragraph (b)(4) is amended by changing "§ 17.13(c)(4)" to "§ 17.18(c)(4)."

30. In newly redesignated § 17.20, paragraph (b)(7) is amended by changing "§ 17.7" to "§ 17.11."

31. In newly redesignated § 17.20, paragraph (b)(8) is amended by changing "§ 17.9" to "§ 17.14."

32. In newly redesignated § 17.20, paragraph (c)(1) is amended by changing "§§ 17.15(a) and 17.15(b)" to "§§ 17.20(a) and 17.20(b)."

33. In newly redesignated § 17.20, paragraph (c)(4) is amended by changing "§ 17.10(j)" to "§ 17.15(j)."

34. In newly redesignated § 17.20, paragraph (c)(6) is amended by changing "§§ 17.3 and 17.5" to "§§ 17.3 and 17.4."

35. Newly redesignated § 17.21 is revised to read as follows:

#### § 17.21 ASCS Offices.

Kansas City ASCS Commodity Office, P.O. Box 8510, Kansas City, Missouri 64114; and  
Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

#### § 17.22 [Amended]

36. Newly redesignated § 17.22 is amended to add after the text "(OMB No. 0005-0013)"

37. Newly redesignated § 17.23 is revised to read as follows:

#### § 17.23 Effective date.

The regulations in this subpart become effective as to financing of the sale and exportation of commodities pursuant to Agricultural Commodities Agreements dated on or after October 1, 1984. The financing of the sale and exportation of commodities pursuant to Agricultural Commodities Agreements dated before October 1, 1984, continue to be subject to the provisions of the regulations which were applicable before October 1, 1984, unless made subject to the regulations in this subpart by the applicable purchase authorization.

#### Appendix A [Amended]

38. In Appendix A the following paragraphs are removed and reserved:

(A) (1), (2) and (3); (B) (1), (4) and (5); (C) (1) and (2); (D) (1) and (2);

(E) (1) and (2); (F) (1) and (2); (H) (1), (2) and (3); (I) (1) and (2);

(J) (1) and (2); (K) (1) and (2); (L) (1) and (2); (M) (1) and (2);

(N) (1) and (2); (O) (1) and (2); (P) (1) and (2); (Q) (1) and (2); and

(R) (1) and (2); (S) (1) and (2); (T) (1) and (2); and (U) (1) and (2).

39. In Appendix A, paragraphs (B)(2) and (B)(7) are amended by changing "Form CCC-362" to "Form CCC-359 or Form FAS-359."

40. The references to "Form NOCO-467" are changed to "Form KC-467" in Appendix A, Sections (V)(2)(a) and (W)(2)(a); and in Appendix B, Sections (V)(7) and (W)(7).

41. In Appendix A, the references to "section 17.7" and "section 177 (a)" are changed to "section 17.11(b)" in Sections (V)(2), (V)(2) (a) and (b), (W)(2) and (W)(2) (a) and (b).

42. In Appendix A, the references in "section 17.12(a)" are changed to "section 17.17(a)" in Sections (V)(3)(d) and (W)(3)(d).

43. In Appendix A, the references to "section 17.12(b)" are changed to "section 17.17(b)" in Sections (V)(3)(e) and (W)(3)(e).

44. In Appendix A, Sections (V)(3) (a)(ii) and (b)(ii), and (W)(3) (a)(ii) and (b)(ii) are removed and reserved.

#### Appendix B [Amended]

45. In Appendix B, paragraphs (A)(1)(g) and (A)(2)(g), (B)(7), (C)(1)(g) and (C)(2)(g), (D)(7), (E)(7), (F)(1)(g) and (F)(2)(g), (H)(1)(g) and (H)(2)(g), (I)(7), (J)(7), (K)(1)(g) and (K)(2)(g), (L)(7), (M)(7), (N)(7), (O)(7), (P)(7), (Q)(7), (R)(7), (S)(7), (T)(7) and (U)(7), are revised to read as follows: "One copy of Form CCC-359 or Form FAS-359, 'Declaration of Sale,' signed for the General Sales Manager, by which the supplier was notified that the sale was approved for financing."

Signed at Washington, D.C. on January 25, 1984.

Melvin E. Sims,

General Sales Manager, Foreign Agricultural Service.

[FR Doc. 84-2598 Filed 1-26-84; 2:22 pm]

BILLING CODE 3410-10-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 31

#### Fees for Audits of Leverage Transaction Merchants

AGENCY: Commodity Futures Trading Commission.

**ACTION:** Proposed schedule of fees.

**SUMMARY:** As part of the Futures Trading Act of 1982, Congress amended Section 26 of the Futures Trading Act of 1978 to allow the Commission to promulgate a schedule of fees "to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act." In this regard, the Commission proposes to establish an annual fee for its audits of leverage transaction merchants which are not members of a self-regulatory organization which has adopted rules approved by the Commission providing for the auditing of such a firm by the self-regulatory organization. Initially the annual fee would be set at \$8,000.

**DATE:** Comments must be received on or before March 1, 1984.

**ADDRESS:** Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretary.

**FOR FURTHER INFORMATION CONTACT:** Daniel S. Goodman, Esquire, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254-9880.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a(c), amended Section 26 of the Futures Trading Act of 1978 to provide the Commission with specific authority:

To promulgate, after notice and opportunity for hearing, a schedule of appropriate fees to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act: *Provided*, That the fees for any specified service or activity or function shall not exceed the actual costs thereof to the Commission.

The Conference Report accompanying the legislation, H.R. Rept. No. 964, 97th Cong. 2d Sess. 57 (1982), states that "the conferees intend that the fee schedule addressed by the Conference substitute be strictly limited to Commission activities directly related to: (1) Commission audits of firms which are not members of contract markets or of a registered futures association \* \* \*"

<sup>1</sup> The term "member of a contract market" is defined in Section 2(a)(1)(A) of the Commodity Exchange Act, 7 U.S.C. 2. See Section 5 of the Commodity Exchange Act, 7 U.S.C. 7 (setting forth

Continued

Pursuant to this authority, the Commission proposes to add an Appendix B to Part 31 of its regulations to establish an annual fee for audits of leverage transaction merchants which are not members of a contract market or of a registered futures association. Initially, the Commission proposes to establish this fee at \$8,000, a figure which the Commission believes will be below the actual average annual cost of auditing a leverage transaction merchant.

## II. Audits of Leverage Transaction Merchants

On January 16, 1984, the Commission adopted interim final rules governing the regulation of leverage transactions. Those rules will be published in the Federal Register in the near future. Under those rules, a "leverage transaction merchant" is required to be registered by the Commission, and each leverage commodity upon which a leverage contract is sold or offered for sale is required to be registered separately by the Commission. Commission rules §§ 3.17, 31.5, 31.6.<sup>2</sup>

Leverage transaction merchants which are not members of contract markets or a registered futures association will be subject to the Commission's audit and financial surveillance program ("Program"), which is designed to monitor compliance with the financial and segregation regulations.<sup>3</sup> The Program consists of full-scope audits, limited-scope audits, and routine reviews of financial reports filed on Form 2 FR. The audits are conducted on a surprise basis. Actual audits are scheduled at the discretion of the Commission staff, with the objective of maximizing audit effectiveness and efficiency. The Commission anticipates that in the usual case, one full-scope financial audit of each leverage transaction merchant and two limited-scope audits will be conducted during any two-year period. Audits may be varied in frequency, however, to take into account the

the criteria by which the Commission designates a board of trade as a "contract market." Section 17 of the Commodity Exchange Act, 7 U.S.C. 21, sets forth the terms and conditions under which the Commission may register an association of persons as a "registered futures association."

<sup>2</sup>The term "leverage transaction merchant" is defined in Commission rule § 1.3(o).

<sup>3</sup>Applicants for registration as a leverage transaction merchant will also be subject to the Program. Prior to registering a leverage transaction merchant which is not a member of a contract market or a registered futures association or to registering a leverage commodity offered for sale by such a leverage transaction merchant, the Commission must determine whether the firm meets the Commission's net capital requirements.

financial condition and prior audit results of each particular firm.

Based on its experience in auditing futures commission merchants, the Commission estimates that it will cost an average of a least \$8,000 annually to audit a leverage transaction merchant. This figure includes the estimated compensation and benefit costs of the staff time devoted to auditing a leverage transaction merchant, travel costs associated with the audits, and a 32 percent overhead cost.<sup>4</sup> It is likely that the full-scope audits of leverage transaction merchants, including the initial audits, will entail costs considerably in excess of \$8,000. As noted above, however, the Commission anticipates that in some years a leverage transaction merchant will be subject only to audits which are limited in scope. The \$8,000 figure represents a conservative estimate of the average annual cost of all audit work to be performed with respect to a leverage transaction merchant. The Commission believes that a fee based on actual average annual costs will have the virtue of administrative simplicity and will provide leverage transaction merchants with advance knowledge of their audit fees for each year.

The Commission will review the \$8,000 figure in subsequent fiscal years when actual Commission cost data become available, to be sure that the fee is not too high. If, however, the Commission finds that the actual average annual cost of auditing a leverage transaction merchant greatly exceeds \$8,000, it may increase the fee in future years. In any event, the fee will not exceed the actual average annual cost of auditing a leverage transaction merchant.

Under the proposed fee schedule, a leverage transaction merchant would be required to pay the initial \$8,000 audit fee with its application for registration as a leverage transaction merchant. The leverage transaction merchant would pay the fee annually thereafter. Failure to pay the audit fee in a timely manner would result in the Commission's refusal to process any new applications for registration of a leverage commodity submitted by that leverage transaction merchant and would be a sufficient ground for the Commission to revoke the registration of any previously registered leverage commodity. See Commission rule § 31.5(f).

The Commission has determined that should it decide to adopt the proposed fee schedule as a final fee schedule,

<sup>4</sup>The overhead figure represents the Commission's actual overhead percentage for space, supplies, utilities, etc.

good cause would exist for making the fee schedule effective immediately. See 5 U.S.C. 553(d)(3). An immediate effective date for the fee schedule would insure that all leverage transaction merchants subject to the audit fee would be treated equally and would enable the federal government to begin to recover the significant costs associated with such audits.

## III. Regulatory Flexibility Act

The Commission has determined that leverage transaction merchants are not "small entities" for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Previously the Commission determined that futures commission merchants ("FCMs") are not "small entities." 47 FR 18618 (April 30, 1982). This determination was based upon both the minimum financial requirements established for FCMs and the fiduciary nature of the FCM-customer relationship. *Id.* at 18619. The same reasoning applies to leverage transaction merchants. Indeed, the minimum financial requirements for leverage transaction merchants include a base adjusted net capitalization figure of \$2,500,000, Commission rule § 31.9, as compared to \$50,000 for FCMs, 17 CFR 1.17.

Thus, the requirements of the Regulatory Flexibility Act do not apply to leverage transaction merchants. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule proposed herein, if promulgated, would not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 17 CFR Part 31

Audits of leverage transaction merchants, Fees, Commodity futures.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular in Sections 8, 8a(5), and 19, 7 U.S.C. 12, 12a(5), and 23; and in Section 26 of the Futures Trading Act of 1978, as amended by Section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a, the Commission hereby proposes to amend Part 31 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding Appendix B. In taking this action, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

## PART 31—REGULATION OF LEVERAGE TRANSACTIONS

### Appendix B—Schedule of Fees for Audits of Leverage Transaction Merchants

(a) Each leverage transaction merchant which is not a member of a self-regulatory organization with rules approved by the Commission providing for the auditing of such a firm shall pay an annual audit fee of \$8,000. The initial fee must accompany the firm's application for registration as a leverage transaction merchant. The fee shall be paid by check or money order in the amount of \$8,000 made payable to the Commodity Futures Trading Commission.

(b) Checks or money orders should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure of a leverage transaction merchant to submit an audit fee in a timely manner will result in the Commission's refusal to process any new applications for registration of a leverage commodity submitted by that leverage transaction merchant and will be a sufficient ground for the Commission to revoke the registration of any previously registered leverage commodity.

Issued in Washington, D.C., on January 25, 1984, by the Commission.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-2573 Filed 1-30-84; 8:45 am]

BILLING CODE 6351-01-M

## 17 CFR Part 31

### Fees for Leverage Commodity Registration

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed schedule of fees.

**SUMMARY:** The Commission recently promulgated a rule requiring leverage transaction merchants to apply for registration for all leverage commodities upon which a leverage contract is sold or offered for sale. The Commission hereby proposes to charge a \$7,500 fee for each application for registration of a leverage commodity.

**DATE:** Comments must be received on or before March 1, 1984.

**ADDRESS:** Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

**FOR FURTHER INFORMATION CONTACT:** Daniel S. Goodman, Esquire, Office of General Counsel, Commodity Futures

Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254-9880.

### SUPPLEMENTARY INFORMATION:

#### I. Registration of Leverage Commodities

On January 16, 1984, the Commission adopted interim final rules governing the regulation of leverage transactions. Those rules will be published in the *Federal Register* in the near future. Section 31.6 of those rules, 17 CFR 31.6, provides that the Commission must register each leverage commodity upon which a leverage transaction merchant offers a leverage contract for sale. The Commission has spent considerable time and effort in devising a set of rules which will assure that basic tenets of the Commodity Exchange Act have been met and will provide those firms desiring to offer to sell or to sell these leverage commodity contracts with a comprehensive regulatory structure. To this end, the Commission's process for the registering of a leverage commodity entails a detailed review of the leverage commodity and of the terms and conditions of the leverage contracts based on it to assure that they comport with the applicable rules.

Although there is no economic purpose test associated with the review of a leverage commodity registration application, such a review and the designation of a futures contract are similar in many other ways. Compare § 31.6(a) with Guideline No. 1, 17 CFR Part 5, Appendix A. In each case, the Commission's staff must perform an analysis of the proposed trading instrument, the underlying cash market, and the entity submitting the application. In registering a leverage commodity, as in designating a futures contract market, the Commission and its staff perform a valuable and costly service which directly benefits the applicant.

The Commission currently charges a non-refundable \$10,000 fee to process each application for designation as a futures contract market which it receives. 17 CFR Part 5, Appendix B. See 48 FR 38214 (Aug. 23, 1983) final schedule of fees). The \$10,000 figure was based on the average costs incurred by the Commission staff in reviewing 91 applications for contract market designation during fiscal year ("FY") 1981, FY 1982, and the first six months of FY 1983. As noted in the supplementary information accompanying the proposed contract market designation fee schedule, the \$10,000 figure is well below the actual average cost to the Commission of reviewing a contract market designation application. 48 FR 27411, 27412-13 (June 15, 1983).

In like manner, and pursuant to the same authority, the Commission is now proposing to charge a \$7,500 fee to process each application for registration of a leverage commodity. The \$7,500 figure is based on a Commission staff estimate that on average it will take at least three-fourths as much staff time to process an application for registration of a leverage commodity as it takes to process an application for designation as a futures contract market.<sup>1</sup> The Commission will review this figure in subsequent fiscal years when actual Commission cost data become available. In any event, the Commission will not assess more than the actual average costs of registering a leverage commodity.

As with futures contract market designations, the Commission believes that it is appropriate to charge a single fee for each application for leverage commodity registration. See 48 FR 38215. Based upon experience in the contract market designation process, the Commission expects to spend much more time analyzing the first leverage commodity registration applications that it processes than it will spend analyzing subsequent, similar applications. If the Commission charged a fee based solely upon the cost of reviewing each registration application, the first applicants would be charged substantially higher fees than subsequent applicants. The former applicants would be unduly penalized, while the latter applicants would reap the benefits of the earlier reviews.

Under the proposed fee schedule, an application for registration as a leverage commodity must be accompanied by a check or money order in the amount of \$7,500 made payable to the Commodity Futures Trading Commission. The Commission has determined that the \$7,500 application fee should not be refundable in the event that the application is denied or that the leverage transaction merchant withdraws the application. The application and fee should be sent to the Commission's Office of the Secretariat in Washington, D.C. Applications received without fees will be returned to the submitting leverage transaction merchant.

<sup>1</sup> The \$7,500 figure includes the estimated compensation and benefit costs of the staff time devoted to review and analysis of applications for registration of leverage commodities (including review of the leverage contracts proposed to be offered pursuant to registration of the leverage commodities), travel costs associated with the review, and a 32% overhead cost, which represents the Commission's actual overhead percentage for space, supplies, utilities, etc.

The Commission has determined that should it decide to adopt the proposed fee schedule as a final fee schedule, good cause would exist for making the fee schedule effective prior to the registration of any leverage commodity under § 31.6. See 5 U.S.C. 553(d)(3). No application for registration of a leverage commodity would be processed until the fee was received. An immediate effective date for the fee schedule would assure that all those subject to the registration fee would be treated equally and would enable the federal government to begin to recover the costs associated with the costly service of reviewing the applications for registration of leverage commodities in a manner consistent with the purposes of the Act. Moreover, the Commission believes that such an effective date would assure equal treatment in the application of the new rules and would otherwise discourage the hasty submission of applications for leverage commodity registration before the new fee becomes effective.

## II. Regulatory Flexibility Act

The Commission has determined that leverage transaction merchants are not "small entities" for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Previously, the Commission determined that futures commission merchants ("FCMs") are not "small entities." 47 FR 18618 (April 30, 1982). This determination was based upon both the minimum financial requirements established for FCMs and the fiduciary nature of the FCM-customer relationship. *Id.* at 18619. The same reasoning applies to leverage transaction merchants. Indeed, the minimum financial requirements for leverage transaction merchants include a base net capitalization figure of \$2,500,000, 17 CFR 31.9, as compared to \$50,000 for FCMs, 17 CFR 1.17.

Thus, the requirements of the Regulatory Flexibility Act do not apply to leverage transaction merchants. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule proposed herein, if promulgated, would not have a significant economic impact on a substantial number of small entities.

### List of Subjects in 17 CFR Part 31

Applications for leverage commodity registration, Commodity futures, Fees.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular in Sections 5, 5a, 8a(5), and 19, 7 U.S.C. 7, 7a, 12a(5), and 23; in Section

26 of the Futures Trading Act of 1978, as amended by Section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a; and in the Independent Offices Appropriation Act of 1952, as amended by Pub. L. 97-258, 96 Stat. 1051 (Sept. 13, 1982) (see 31 USCA 9701), the Commission hereby proposes to amend Part 31 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding Appendix A. In taking this action, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

## PART 31—REGULATION OF LEVERAGE TRANSACTIONS

Accordingly, Part 31 is amended by adding Appendix A to read as follows:

### Appendix A—Schedule of Fees for Registration of Leverage Commodities

(a) Each application for registration of a leverage commodity must be accompanied by a check or money order in the amount of \$7,500 made payable to the Commodity Futures Trading Commission.

(b) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure to submit the fee with the application for registration of a leverage commodity will result in return of the application. Fees will not be returned after receipt.

Issued in Washington, D.C. on January 25, 1984, by the Commission.

James K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-2572 Filed 1-30-84; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

### Public Comment and Opportunity for Public Hearing on the Modification to the Kentucky Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing procedures for the public comment

period and for a public hearing on the substantive adequacy of a program amendment submitted by the State of Kentucky as a modification to the Kentucky Permanent Regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to changes in the repermitting schedule previously approved by the Secretary of the Interior on May 13, 1983, to satisfy condition (1) of the approval of the Kentucky program.

OSM is also soliciting public comment on certain proposed conditions on the approval of Kentucky's proposed amendment. Additionally, OSM is proposing to preempt a State requirement that new permit applications be processed in 65 days.

This notice sets forth the times and locations that the Kentucky program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

**DATES:** Written comments must be received on or before 4:00 p.m., March 1, 1984 to be considered.

If requested, a public hearing on the proposed modifications will be held on February 27, 1984, beginning at 10:00 a.m. at the location shown below under "ADDRESSES."

**ADDRESSES:** Written comments should be mailed or hand delivered to: W. H. Tipton, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

If a public hearing is held its location will be at: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

**FOR FURTHER INFORMATION CONTACT:** W. H. Tipton, Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233-7327.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Comment Procedures

##### Availability of Copies

Copies of the Kentucky program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM Offices and the Offices of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504  
 Office of Surface Mining, Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240  
 Department for Surface Mining Reclamation and Enforcement, Capitol Plaza Tower, Franfort, Kentucky 40601.

#### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than Lexington, Kentucky, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

#### Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business February 15, 1984. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber.

Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

#### Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM office listed in "ADDRESSES" by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

## II. Background on the Kentucky State Program

On May 18, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the Kentucky program subject to the correction of 12 minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 Federal Register notice (47 FR 21404-21435).

One of these deficiencies pertained to the plan submitted as part of the State regulatory program for receiving and processing transition permits in lieu of the two month/eight month deadlines established in section 502(d) of SMCRA. The Secretary recognized in conditionally approving the Kentucky program that Kentucky has a unique repermitting situation in that a large number of applications were expected for processing which would preclude the meeting of the statutory deadline of eight months for reviewing such applications. The Secretary found that Kentucky's proposal did not adequately demonstrate that the receipt and review of complete applications would not be pushed forward indefinitely because of work on new applications and therefore imposed condition (1) on the approval of the program.

Condition (1) required Kentucky to submit a plan which included: (1) A process for prompt completeness determinations on full applications from existing operators expecting to continue mining past the eighth month of primacy; (2) assurances that operators who have not submitted complete applications by eight months after primacy will be immediately advised that they may not continue mining until a permit is approved; and (3) a policy that applications for new operations will not be given priority for processing over applications for existing operations which are continuing under interim program permits when such existing mine applications are one year old or older. Kentucky submitted material (KY-417 and KY 475) to satisfy condition (1) and the Secretary found that these materials taken together satisfied condition (1). The State proposed a process for prompt completeness determinations for transitioning applications and provided assurances that operators who had not submitted a complete application within eight months after primacy would not be able

to continue mining until a permit is issued. The policy also provided that repermitting applications still backlogged as of January 18, 1984, would become the first priority of review with new permit applications taking a second priority. A complete discussion of the amendment approved to satisfy condition (1) can be found in the May 13, 1983 Federal Register (47 FR 21575).

## III. Submission of Program Amendment

Due to OSM's continuing concern about the backlog of transitioning permits for processing, and as a result of a meeting on January 9, 1984, Kentucky submitted to OSM in a letter dated January 10, 1984 pursuant to 30 CFR 732.17, a revision to its approved program pertaining to the unique repermitting schedule approved to satisfy condition (1).

In the amendment, Kentucky proposes to amend its repermitting schedule by substituting the following deadlines for similar goals approved on May 13, 1983.

1. The Natural Resources and Environmental Protection Cabinet (Cabinet) would make final technical decisions on 270 transitioning applications per month beginning January 19, 1984, with completion of the entire repermitting effort by September 15, 1984;

2. The Cabinet would establish a policy through an Order of the Secretary, effective March 16, 1984, to implement the applicable permanent program performance standards for all transitioning permits;

3. The Cabinet would advise Office of Surface Mining officials every two weeks of progress made in the review of transitioning applications;

4. The Cabinet would review staffing levels and make adjustments as necessary to ensure effective program implementation;

5. The Cabinet would continue to process new applications.

## IV. Director's Findings and Proposed Action

1. *Conditional Approval of Proposed Amendment.* The Director is proposing to conditionally approve Kentucky's amendment for transitioning permits. A meeting was held on January 9, 1984, to discuss the potentially serious impacts upon Kentucky's program should an extension to the January 18, 1984, repermitting deadline not be approved. The Director believes that Kentucky's proposal is a realistic approach to the transitioning permit schedule but believes that certain safeguards must be imposed to ensure that OSM is advised of Kentucky's progress in a timely

manner and that the agreement be implemented as proposed and approved. In addition to the items proposed by Kentucky, the conditions of approval being proposed are:

(a) That item 2 of the Kentucky proposal be construed to mean that Kentucky must require, effective March 16, 1984, that all operations in Kentucky operating under interim program permits be subject to permanent program performance standards, and

(b) That, if for any reason Kentucky cannot meet any part of items 1-4 of its proposed amendment, including item 3 as interpreted by proposed condition (a), that the processing of new permits must cease and permitting be limited to only transitioning permits until such time as the deficient condition(s) is satisfied. Failure to implement any part of items 1-4 of the proposed amendment or satisfy any proposed condition on the approval of the amendment could result in OSM implementing a Federal program under which OSM would issue or deny all permits for surface coal mining operations in Kentucky.

2. *Federal Preemption.* Pursuant to section 505(b) of SMCRA and 30 CFR 730.11(a), the Director proposes to preempt and supersede KRS 350.090 and 405 KAR 8:010 E, section 16, pertaining to the requirement that Kentucky process new permit applications within 65 days.

The specific wording of 405 KAR 8:010 E, section 16, proposed for preemption and supersession as it pertains to the processing of new permits is as follows:

#### 405 KAR 8:010 E, Section 16

(b) 1. Except as provided for in paragraph (c) of this subsection, a complete application submitted under Section 2(2) (a), (b), (d) and (e) shall be approved or denied within sixty-five (65) working days after the notice of completeness under section 13(1), except that periods of temporary withdrawal under Section 13(2)(b) shall not be counted against the sixty-five (65) working day period available to the department.

2. Except as provided in paragraph (c) of this subsection, a complete application submitted under section 2(2)(c) for a major revision as provided in Section 20, shall be approved or denied within forty-five (45) working days after the notice of completeness under Section 13(1), except that periods of temporary withdrawal under Section 13(2)(b) shall not be counted against the forty-five (45) working day period available to the department.

3. A complete application submitted under section 2(2)(c) for a minor revision as provided in Section 20, shall be

approved or denied within fifteen (15) working days after the notice of completeness under section 13(1), except that periods of temporary withdrawal under section 13(2)(b) shall not be counted against the fifteen (15) working day period available to the department.

(c) In the event that the notice, hearing, and conference procedures as mandated by KRS Chapter 350 and this Title prevent a decision from being issued within the time period specified in paragraph (b) of this subsection, the department shall have additional time to issue its decision, but not to exceed twenty (20) days from the completion of the notice, hearing and conference procedures.

(d) Where an application submitted under section 2(2)(f)2 also contains, within the proposed permit area, new lands which are not covered by a valid interim program permit, that application shall be processed under paragraph (a) of this subsection.

The specific working of KRS 350:090(1) proposed for preemption and supersession as it pertains to the processing of new permits is as follows:

The permit application containing the required plans and other information as required shall be submitted to the department and, except for applications or renewals submitted in compliance with KRS 350.060(2), the department shall notify the applicant by certified mail, return receipt requested within sixty-five (65) working days after receipt for complete application if it is or is not acceptable. Provided, however, that in the event that applicable notice, hearing and conference procedures prevent a decision from being issued within the sixty-five (65) working day period, the department shall have additional reasonable time to issue its decision, but not to exceed twenty (20) days from the completion of the notice, hearing and conference procedures.

OSM has always held that the extended schedule approved for Kentucky to process transitioning permits was never intended as a means to delay the implementation of permanent program performance standards by pushing forward indefinitely the processing of transitioning permits while working on new permits. The Director proposes to preempt these provisions if for any reason Kentucky cannot satisfy the proposed conditions on the proposed amendment of if it becomes necessary to ensure that all mining operations in Kentucky are subject to permanent program performance standards.

Therefore, OSM is soliciting comment on whether to preempt KRS 350.090 and

405 KRS 8:010 E, section 16, as it relates to the State's requirement to process new permit applications within 65 days. Additionally, if OSM preempts this requirement, it solicits comment on whether the preemption should have a fixed termination date. Alternatively, OSM is considering a termination date effective when the State completes processing all transitioning permit applications or some other date pertinent to the transitioning process.

Therefore, the Secretary is seeking public comment on (1) the adequacy of the proposed program amendment, (2) the proposed conditions of approval of the amendment, and (3) the proposed Federal preemption, if necessary, of the State's requirement to process new permits within 65 days. If the amendment, conditions and preemption are approved these provisions will become part of the approved State program.

#### V. Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

#### List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: January 25, 1984.

James R. Harris,  
Director, Office of Surface Mining.

[FR Doc. 84-2623 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-06-M

### 30 CFR Part 946

#### Public Comment Period and Opportunity for Public Hearing on Proposed Amendment to the Virginia Permanent Regulatory Program

##### Correction

In FR Doc. 84-1983 beginning on page 3095 in the issue of Wednesday, January 25, 1984, make the following correction:

On page 3095, second column, second paragraph under "DATES", third line, "February 20, 1984" should read "February 21, 1984."

BILLING CODE 1505-01-M

### 30 CFR Part 948

#### Public Comment Period and Opportunity for Public Hearing on an Amendment to the West Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

**SUMMARY:** OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of West Virginia to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed program amendment consists of proposed provisions to implement a blaster training, examination and certification program as required by the Federal regulations at 30 CFR Part 850.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

**DATES:** Written comments must be received on or before 4 p.m. on March 1, 1984. A public hearing on the proposal will be held from 7:00 p.m. to 9:00 p.m. on February 27, 1984, at the OSM Charleston Field Office listed below under "ADDRESSES". Any person interested in making an oral or written presentation at the hearing should

contact Mr. David H. Halsey at the OSM Charleston Field Office by 4:00 p.m. on February 15, 1984. If no one has contacted Mr. Halsey to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Halsey, a public meeting, rather than a hearing may be held and the results of the meeting included in the Administrative Record.

**ADDRESSES:** Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

See **SUPPLEMENTARY INFORMATION** for addresses where copies of the West Virginia program amendment and administrative record on the West Virginia program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

##### FOR FURTHER INFORMATION CONTACT:

Mr. David H. Halsey, Director, Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

**SUPPLEMENTARY INFORMATION:** Copies of the West Virginia program amendment, the West Virginia program and the administrative record on the West Virginia program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158

Office of Surface Mining, 1100 L Street NW., Room 5315, Washington, D.C. 20240, Telephone: (202) 343-7896

West Virginia Department of Natural Resources, Room 630, Building 3, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone (304) 348-9160

In addition, copies of the amendment are available for inspection during regular business hours at the following locations:

Office of Surface Mining, Morgantown Area Office, Post Office Box 886, Morgantown, West Virginia 26505, Telephone: (304) 291-4004

Office of Surface Mining, Beckley Area Office, Post Office Box 487, Skelton, West Virginia 25919, Telephone: (304) 255-5285

### Background

On March 3, 1984, the Secretary of the Interior received a proposed regulatory program from the State of West Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69249-69271). West Virginia resubmitted its proposed program on December 19, 1980, and after a subsequent review the Secretary approved the program conditioned on the correction of thirty-five minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981 Federal Register (46 FR 5915-5956).

Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the West Virginia program, can be found in the January 21, 1981 Federal Register (46 FR 5915-5956).

### Proposed Amendment

On January 12, 1984, the State of West Virginia submitted to OSM an amendment to its conditionally approved permanent regulatory program. The proposed amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consists of current surface mining law and regulations providing authority for a blaster certification and training program; proposed regulations governing the standards for certification of blasters; current mining law providing authority and procedures for withdrawal of certification and penalties; current regulations providing administrative procedures relating to appeals; current mining regulations defining certain terms used throughout the proposed blaster program; current regulations specifying safety training requirement for West Virginia miners; a proposed training outline for blaster certification; a study guide for blaster certification and examination; and, a comparison of State and Federal regulations for blaster certification.

At the time of the Secretary's approval of the West Virginia program, OSM had not yet promulgated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in this notice announcing conditional approval of the West Virginia program, the Secretary specified that West

Virginia would be required to adopt such provisions following promulgation of the Federal standards (48 FR 5931, January 21, 1981).

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). OSM is seeking comment on whether the West Virginia proposed modifications are consistent with and meet the requirements of the revised Federal standards and satisfy the criteria for approval of State program amendment at 30 CFR 732.15 and 732.17.

The full text of the program modification submitted by West Virginia for OSM's consideration is available for public review at the addresses listed under **ADDRESSES**.

#### Additional Determinations

1. Compliance with the National Environmental Policy Act: The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act*: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act*: This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

#### List of Subjects in 30 CFR Part 948.

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: January 25, 1984.

James R. Harris,  
Director, Office of Surface Mining.

[FR Doc. 84-2624 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-05-M

## VETERANS ADMINISTRATION

### 38 CFR Part 21

#### Veterans Education; Recovery of Overpayments

**AGENCY:** Veterans Administration.

**ACTION:** Proposed regulation.

**SUMMARY:** Educational institutions may be held liable under certain circumstances for payments of educational assistance allowance made to veterans and eligible persons. If an educational institution pays an amount for which it has been held liable and the money later is collected from veterans and eligible persons, the money is refunded to the educational institution. This proposal provides that any money recovered from veterans and eligible persons that is applied toward marshal fees, court costs, administrative costs of collection, and interest will not be considered when determining if the educational institution is due a refund. This proposal will better inform educational institutions of the effect the VA's (Veterans Administration's) recent policy of charging interest on veterans' education debts will have upon any refunds which may be due educational institutions.

**DATES:** Comments must be received on or before March 1, 1984. It is proposed to make this regulation effective the date of final approval.

**ADDRESSES:** Send written comments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until March 12, 1984. Anyone visiting Central Office in Washington, DC for the purpose of inspecting any of these comments will be received by the Central Office Veterans Service Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

**FOR FURTHER INFORMATION CONTACT:** June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service,

Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202-389-2092).

**SUPPLEMENTARY INFORMATION:** Section 21.4009, Title 38, Code of Federal Regulations is amended to exclude marshal fees, court costs, administrative costs of collection and interest recovered from veterans and eligible persons from consideration when the VA determines whether or not money must be refunded to an educational institution.

For the reasons discussed below, the VA has determined that this proposed regulation is not a major rule as that term is defined by Executive Order 12291, entitled "Federal Regulation." The annual effect on the economy will be less than \$100 million. The proposal will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that the proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this proposed regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the VA does not expect, based on past experience, that the economic impact of this proposal will be significant. Since March 8, 1979 the total amount of money refunded to schools under 38 CFR 21.4009 has been \$26,255. If courts costs, marshal fees and administrative costs had been collected, and if interest had been charged on debts of veterans and eligible persons during this entire period the additional costs would have amounted to a few thousand dollars. Furthermore, a majority of the educational institutions which have been found liable for overpayments of educational assistance are not small entities within the meaning of the RFA. This proposal, therefore, should have a total economic impact on all small entities of a few thousand dollars. The VA does not believe that this is significant. Consequently, the proposal will have no significant economic impact on small

entities, i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

#### List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: January 10, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

#### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration proposes to amend Part 21 as set forth below:

In § 21.4009, paragraph (a)(4) is revised as follows:

##### § 21.4009 Overpayments—waiver or recovery.

(a) *General.* \* \* \*

(4) If the Veterans Administration recovers any part of the overpayment from the educational institution, it may reimburse the educational institution, if the Veterans Administration subsequently collects the overpayment from a veteran or eligible person. The reimbursement—

(i) Will be made when the total amount collected from the educational institution and from the veterans and eligible persons (less any amount applied toward marshal fees, court costs, administrative cost of collection and interest) exceeds the total amount for which the educational institution is liable, and

(ii) Will be equal to the excess. (38 U.S.C. 1785)

\* \* \* \* \*

[FR Doc. 84-2559 Filed 1-30-84; 8:45 am]

BILLING CODE 8320-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 721

[OPTS-50510; TSH-FRL 2446-5]

#### Substituted Polyglycidyl Benzeneamine; Proposed Determination of Significant New Uses

##### Correction

In FR Doc. 83-34449, beginning on page 57440 in the issue of Thursday, December 29, 1983, make the following

correction on page 57443: In the third column, eight lines from the bottom of the first paragraph, "§ 720.7(g)" should read "§ 710.7(g)".

BILLING CODE 1505-01-M

##### 40 CFR Part 799

[OPTS-42051; TSH-FRL 2480-7]

#### Toxic Substances; Glycidol and Its Derivatives; Response to the Interagency Testing Committee

##### Correction

In FR Doc. 83-34496, beginning on page 57562 of the issue Friday, December 30, 1983, make the following correction on page 57563: In the first column, third line following the chemical formula, "thper" should read "type".

BILLING CODE 1505-01-M

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

##### 43 CFR Part 5000

#### Administration of Forest Management Decisions; Proposed Rulemaking Adding a New Part 5000 and Subpart 5003—Administrative Remedies

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Rulemaking Concerning Effects of Timber Management Decisions and Protests of Advertised Timber Sales.

**SUMMARY:** The proposed rulemaking would enable an authorized officer of the Bureau of Land Management to implement decisions relating to timber management without being automatically stayed by the filing of an appeal to the Interior Board of Land Appeals. In addition, the proposed rulemaking would provide procedures for protesting advertised timber sales in a timely manner.

**DATE:** Comments should be submitted by April 2, 1984. Comments postmarked or received after the above date may not be considered in the decisionmaking process on issuance of a final rulemaking.

**ADDRESS:** Written comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Charles Frost, (202) 653-8864.

**SUPPLEMENTARY INFORMATION:** The proposed rulemaking would expedite implementation of decisions relating to timber management. It would increase the probability that private businesses dependent upon the Bureau of Land Management's timber management contracts would be able to accomplish their regularly scheduled activities. Where the authorized officer determines that the public interest requires, timber management decisions may be published in advance of their implementation, and the public provided with the opportunity to protest the decision.

The proposed rulemaking would provide that the filing of an appeal of a timber management decision would not automatically stay the implementation of that decision. The right to appeal a timber management decision to the Interior Board of Land Appeals would not be affected by the proposed regulation.

The proposed rulemaking would also provide procedures for protesting advertised timber sales. In the case of advertised timber sales the notice of sale would be the document of a decision which is subject to protest. Protests could be filed only within a period of 15 days following first public advertisement of the sale, after which they would be reviewed and decided by the authorized officer. This would allow sufficient time for a party to protest an advertised timber sale, yet would ensure that protests are made at an appropriate time during the sale process.

The principal author of this proposed rulemaking is Debbie Pietrzak, Bureau of Land Management, Division of Forestry, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes made by this proposed rulemaking are minor in nature and would have equal impact on all parties participating in timber sales conducted by the Bureau of Land Management. Costs to timber firms which are

attributable to delays in scheduled activities because of automatic stays should be reduced under this proposed rulemaking.

This proposed rulemaking contains no information collection requirements requiring approval from the Office of Management and Budget as specified in 44 U.S.C. 3507.

#### List of Subjects in 43 CFR Part 5000

Administrative practice and procedure, Forest and forest products, Public lands.

Under the authority of the Act of August 28, 1937 (43 U.S.C. 1181(a)), the Act of July 31, 1947 (30 U.S.C. 601 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), it is proposed to amend Part 5000, group 5000, Subchapter E, Chapter II, Subtitle B of title 43 of the Code of Federal Regulations by adding a new Part 5000 and subpart 5003 as set forth below:

1. Group 5000 is amended by adding a new part 5000 to read:

#### PART 5000—ADMINISTRATION OF FOREST MANAGEMENT DECISIONS

##### Subpart 5003—Administrative Remedies

Sec.

5003.1 Effect of decisions; general.

5003.2 Notice of timber management decisions.

5003.3 Protests.

Authority: 43 U.S.C. 1181(a); 30 U.S.C. 601 et seq.; 43 U.S.C. 1701.

##### Subpart 5003—Administrative Remedies

###### § 5003.1 Effect of decisions; general.

The filing of a notice of appeal under part 4 of this title shall not automatically suspend the effect of a decision governing or relating to timber management.

###### § 5003.2 Notice of timber management decisions.

(a) The authorized officer shall, when the public interest requires, specify when a decision governing or relating to timber management shall be implemented through the publication of a notice of decision in a newspaper of general circulation in the area where the lands affected by the decision are located, establishing the effective date of the decision.

(b) When a decision is made to conduct an advertised timber sale, the notice of such sale shall constitute the decision document.

(c) For all decisions relating to timber management except advertised timber sales, the notice and decision document

shall contain a concise statement of the circumstances requiring the action.

###### § 5003.3 Protests.

(a) Protests of a timber management decision, including advertised timber sales, may be made within 15 days of the publication of a notice of decision or notice of sale in a newspaper of general circulation.

(b) Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.

(c) Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and may not be considered.

(d) Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him/her.

(e) The authorized officer shall, at the conclusion of his/her review, serve his/her decision in writing on the protesting party.

(f) Upon denial of a protest filed under paragraph (a) of this section the authorized officer may proceed with implementation of the decision.

Dated: December 5, 1983.

Harold W. Furman II,

Acting Assistant Secretary of the Interior.

[FR Doc. 84-2524 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-84-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 84-15; RM-4616]

#### FM Broadcast Station in Palmer, Alaska; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 239 to Palmer, Alaska, in response to a petition filed by Matanuska Broadcasting Co. The proposed assignment could provide a first local service to that community.

DATES: Comments must be filed on or before March 16, 1984, and reply comments on or before April 2, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 73 Radio broadcasting.

##### Notice of Proposed Rulemaking

In the matter of amendment of section 73.202(b), table of assignments, FM broadcast stations. (Palmer, Alaska) (MM Docket No. 84-15, RM-4616).

Adopted: January 10, 1984.

Released: January 25, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Matanuska Broadcasting Co. ("petitioner"), proposing the assignment of FM Channel 243 to Palmer, Alaska, as that community's first local service. Petitioner expressed an interest in applying for the channel, if assigned. Recently the Commission assigned Channel 243 to Soldotna, Alaska (MM Docket 83-410), adopted November 21, 1983. That action foreclosed the use of the channel at Palmer consistent with the Commission's mileage separation requirements, Section 73.207 of the Rules. A staff engineering study indicates that Channel 239 is available for assignment to Palmer. The channel can be assigned in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a first local FM service to Palmer, Alaska, the Commission believes it is appropriate to propose amending the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Palmer, Alaska		239

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 16, 1984, and reply comments on or before April 2, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Ronald A. Siegel, Cohn and Marks, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036 (counsel for the petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 48 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in §§ 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its

present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-2537 Filed 1-30-84; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-26; RM-4627]

#### FM Broadcast Station in Ukiah, California; Proposed Change Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** This action proposes a third FM channel assignment to Ukiah, California, in response to a petition filed by Theodore S. Storck.

**DATES:** Comments must be filed on or before March 16, 1984, and reply comments on or before April 2, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 73

Radio broadcasting.

##### Notice of Proposed Rulemaking

In the matter of amendment of section 73.202(b), table of assignments, FM broadcast stations. (Ukiah, California) (MM Docket No. 84-16, RM-4627).

Adopted: January 10, 1984.

Released: January 25, 1984.

By the Chief, Policy and Rules Division.

1. On October 4, 1983, Theodore S. Storck ("petitioner") filed a petition for rule making seeking to assign Class B Channel 290 to Ukiah, California, as its third FM channel. Petitioner did not state his willingness to apply for the channel, if assigned. He is requested to do so in comments to this proposal.

2. In view of the fact that the proposal could provide a third broadcast service to Ukiah, we shall seek comments on the request to amend the FM Table of Assignments (Section 73.202(b) of the Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Ukiah, California	233, 277	233, 277, and 290

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in

the attached Appendix and are incorporated by reference herein.

**Note.**—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 16, 1984, and reply comments on or before April 2, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Theodore S. Storck c/o John Wells Kings, Suite 600, 2000 M Street, NW., Washington, D.C. 20554.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the

Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which the Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment of them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.402 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 84-2538 Filed 1-30-84; 8:45 am] —  
BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-17; RM-4624]

#### FM Broadcast Station in Billings, Montana; Proposed Change Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule.

**SUMMARY:** This action proposes to assign FM Channel 231 to Billings, Montana, as that community's sixth allocation, in response to a petition filed by Charles Joseph Thompson.

**DATES:** Comments must be filed on or before March 16, 1984, and reply comments on or before April 2, 1984.

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

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Billings, Montana), MM Docket No. 84-17; RM-4624.

Adopted: January 10, 1984.

Released: January 25, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Charles Joseph Thompson ("petitioner"), proposing the assignment of Class C FM Channel 231 to Billings, Montana, as that community's sixth FM allocation. The petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a sixth FM

service to Billings, Montana, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Billings, Montana	227, 246, 253, 275, 279.	227, 231, 246, 253, 275, 279.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 16, 1984, and reply comments on or before April 2, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Charles Joseph Thompson, c/o Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, TN 37915.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, §§ 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes

an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

### Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, §§ 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §§ 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file

comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 84-2539 Filed 1-30-84; 8:45 am]

BILLING CODE 6712-01-M

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Ch. 5

#### GSA Implementation of the Federal Acquisition Regulation (FAR); General Services Administration Acquisition Regulation (GSAR)

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulation (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulation. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following Parts of the proposed GSAR are available for review and comment:

Part 537—Service Contracting  
Part 552—Solicitation Provisions and Contract Clauses

## Part 553—Forms

**DATE:** Comments are due not later than March 1, 1984.

**ADDRESS:** Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th and F Streets, NW, Washington, D.C. 20405.

**FOR FURTHER INFORMATION CONTACT:** Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy (202) 523-4754.

**SUPPLEMENTARY INFORMATION:****Impact**

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

**List of Subjects in 48 CFR Chapter 5**

General Services Administration Acquisition Regulation, Government procurement.

Dated: January 12, 1984.

Richard H. Hopf III,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 84-2612 Filed 1-30-84; 8:45 am]

BILLING CODE 6820-51-M

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Ozark Cavefish (*Amblyopsis rosae*)**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine the Ozark cavefish (*Amblyopsis rosae*) to be a threatened species under the authority contained in the Endangered Species Act of 1973, as

amended. This cavefish is presently known from only 13 caves in 6 counties of the Springfield Plateau of southwest Missouri, northwest Arkansas, and northeast Oklahoma. This cavefish has apparently disappeared from over 40 percent of its historic locations. The causes of the decline appear to be habitat alteration and collectors. The Service was petitioned by Dr. A. V. Brown, University of Arkansas, to consider adding this fish to the List of Endangered and Threatened Wildlife based on his status survey of the species in Missouri. This proposal, if made final, would implement needed protection provided by the Endangered Species Act of 1973, as amended. The Service is requesting comments and data from the public on this proposal.

**DATES:** Comments from all interested parties must be received by April 2, 1984. Public hearings requests must be received by March 16, 1984.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Endangered Species Field Station, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 3185, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dennis B. Jordan, Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 3185, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213 (601/960-4900).

**SUPPLEMENTARY INFORMATION:****Background**

The Ozark cavefish was described by Dr. C. H. Eigenmann in 1898 as *Typhlichthys rosae*. Woods and Inger, in a treatment of the Amblyopsidae, placed the species in the genus *Amblyopsis* in 1957. The only other species in the genus *Amblyopsis* is the northern cavefish *Amblyopsis spelea*, which occurs in southern Indiana and west central Kentucky.

The Service received a petition to list the Ozark cavefish from Dr. A. V. Brown of the University of Arkansas on September 9, 1982. The species was included in the Service's Notice of Review of Vertebrate Wildlife in the Federal Register of December 30, 1982 (47 FR 58454), and the petition was subsequently accepted by a Notice of Findings on February 15, 1983 (48 FR 6752). The petition was based upon a survey of the Missouri portion of the Ozark cavefish range in which cavefish

were observed in only 4 of the over 20 caves where he expected to find it (Brown, 1982). Following acceptance of the petition, the Arkansas and Oklahoma range was surveyed by Service personnel and a biologist from the University of Arkansas.

The Ozark cavefish is a true troglitic cavefish reaching 50mm total length. It has an elongate, flattened head, body nearly devoid of pigment, and a projecting lower jaw. The dorsal and anal fins are located far back on the body, the caudal fin is rounded, and the pelvic fins are absent. The sensory papillae occur in 2 or 3 rows on the upper and lower half of the caudal fin (Poulson, 1961). It is the only cavefish within the Springfield Plateau of southwest Missouri, northwest Arkansas, and northeast Oklahoma. The literature records of the southern cavefish (*Typhlichthys subterraneus*) within the Ozark cavefish range have been determined to be erroneous (Mayden and Cross, in press; Jones, pers. com.). The Ozark cavefish historically occurred in at least nine counties with unconfirmed reports in five additional counties. There are reports of the Ozark cavefish occurring in 52 caves; however, only 23 historic localities are confirmed. Most of the range is in highly soluble limestones which are honeycombed by subsurface drainage in the Boone and Burlington formations.

The surveys included 17 counties with actual cave visits in 16 counties. The currently known populations occur in 13 caves in 6 counties. Although these include much of the historic range, the frequency of sightings of fish is decreasing. In only 8 of the 13 known populations could you expect to see any cavefish on a given visit. In only two populations could you expect to see more than five cavefish per visit. In one of three remaining populations in Oklahoma, the only two cavefish ever observed were collected with the most recent collection in 1982 (Black, pers. comm.). In the past, scientific collecting appears to have reduced some cavefish populations. In Greene County, Missouri, there are six historic sites where cavefish are no longer observed, and in the only current population there have been only two cavefish observations in 15 years. This decline may be due to degradation of subsurface or ground water as evidenced by high levels of nickel in some cave systems in Greene County where the species formerly occurred (Jones, pers. comm.).

### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal lists. A species shall be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to the Ozark cavefish, *Amblyopsis rosae*, are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The sinkholes found in the soluble limestone bedrocks in the Ozark cavefish range make this species especially susceptible to contamination. Development of the Greene County, Missouri, area has resulted in highly hazardous water contamination in this portion of Ozark cavefish range (Aley, 1982). The documentation of high levels of nickel in one cave system in Greene County supports this finding (Jones, pers. comm.). Pollution of cave stream systems in rural areas due to highway, railroad, and pipeline spills; landfills and dump discharges; human and animal waste disposal; and the use of toxic chemicals, is an ever present threat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The low reproductive abilities, confined habitat, and inability to elude captors make the Ozark cavefish very vulnerable to overutilization. Offers to purchase cavefish have appeared in various publications.

Pet stores often display blind cavefish for sale to aquarists. There are several documented instances of scientific collectors taking large numbers of Ozark cavefish. A scientific collection in the 1930's from one Arkansas cave may be responsible for reducing that population to a very low level, and in recent years only an occasional cavefish has been observed (Aley and Aley, 1979).

C. *Disease or predation.* Disease in Ozark cavefish has not been studied but it is reasonable to assume that they are susceptible to disease outbreaks, especially when the water quality deteriorates. Predation may pose a more significant threat. Raccoons and epigeal fishes are known to prey upon cavefish as are salamanders and cave crayfish. Raccoons are known to venture for great distances into caves feeding upon whatever they catch. There is one observation of a smallmouth bass

entering a cave for a distance of a half mile (Willis, pers. comm.). The use of cave water systems for trout hatcheries increases the density and probability of trout entering the cave and feeding upon cavefish.

D. *The inadequacy of existing regulatory mechanisms.* Current regulations protecting this cavefish are limited to the non-game regulations of the concerned States. These regulations require a permit for collecting fish species. Enforcement of the permit restrictions is very difficult and often non-existent. This can result in the taking of the species by individuals if they can gain entrance to a cave system inhabited by the Ozark cavefish.

E. *Other natural or manmade factors affecting its continued existence.* The energy source supporting the food supply in a cave is limited in diversity and quantity. The loss or diminution of this energy source affects the existence of the Ozark cavefish. The better populations of this cavefish occur in caves used by the endangered gray bat, *Myotis grisescens*, where bat guano is the primary energy source (Poulson, 1963). The decline of bat populations in caves where Ozark cavefish occur is probably followed by a decline in the cavefish population. The low reproductive capabilities and apparent small populations are natural limitations to the ability of this species to recover from any adversity.

### Critical Habitat

The Endangered Species Act, as amended, in Section 4(a)(3) requires that to the maximum extent prudent and determinable the Secretary must designate any habitat of the species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Ozark cavefish at this time.

The Ozark cavefish is a unique rare cavefish that is highly adapted to the cave environment. As such, it is sought by scientific and recreational collectors. Publication of the exact location of cavefish populations could lead to collection of this easily captured cavefish. Due to the small populations and very low reproductive capability of this species, the removal of any individuals from the population could be detrimental to the species' survival. Because there is a threat from exploitation if the location of caves supporting populations of this species are disclosed, critical habitat is not being determined for the Ozark cavefish.

### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species; such recovery actions are initiated by the Service following listing. The protection which will be offered to the Ozark cavefish once it is listed is discussed below.

The Act and its implementing regulations in §§ 17.21 and 17.31 of 50 CFR set forth a series of general prohibitions and exceptions which apply to all threatened wildlife. With respect to the Ozark cavefish, all prohibitions of Section 9(a)(1) of the Act, as implemented by § 17.31, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act provides for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as endangered or threatened. Regulations implementing this provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposed rule at 48 FR 29989; June 29, 1983). Agencies are required under Section 7(a)(4) to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species. If the species is subsequently listed, Section 7(a)(2) would require Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the Ozark cavefish.

**Public Comments Solicited**

The Service intends that any final rule adopted will be as accurate and as effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

1. Biological, commercial trade, or other relevant data concerning any threat (or the lack thereof) to the Ozark cavefish;
2. The location of any populations of the Ozark cavefish, and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by Section 4 of the Act;
3. Additional information concerning the range and distribution of this species; and
4. Current or planned activities in the range of the fish and the possible impact of such activities on the Ozark cavefish.

Final promulgation of the regulation on the Ozark cavefish will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing to the Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 3185, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213 (601/960-4900).

**National Environmental Policy Act**

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals [*PLF v. Andrus* 657 F.2d 829 (6th Cir. 1981)] which held that the preparation of NEPA documentation

was not required as a matter of law for Section 4(a) actions under the Endangered Species Act.

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Zachry, Doy L. 1979. Potential National Landmarks of the Interior Highlands Natural Region, Central United States. Contract report for the National Park Service.

**Author**

The primary author of this proposed rule is Mr. James H. Stewart, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 3185, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213.

**List of Subjects in 50 CFR Part 17**

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

**Proposed Regulation Promulgation**

**PART 17—[AMENDED]**

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

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

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

2. It is proposed to amend Section 17.11(h) by adding, in alphabetical order, the following to the List of Endangered and Threatened Wildlife under "Fishes":

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes							
Cavefish, Ozark	<i>Amblyopsis rosae</i>	U.S.A. (MO, OK, AR)	Entire	T		NA	NA

Dated: January 5, 1984.  
**G. Ray Arnett,**  
*Assistant Secretary for Fish and Wildlife and Parks.*  
 [FR Doc. 84-2857 Filed 1-30-84; 8:45 am]  
**BILLING CODE 4310-55-M**

## 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Modoc Sucker ("Catostomus Microps")**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine the Modoc sucker, a small fish, to be an endangered species. This action is being taken because pure populations of Modoc suckers have been reduced to approximately 1,300 individuals in four streams. Formerly, the Modoc sucker was present in many tributary streams of the Pit River in Lassen and Modoc Counties of northeastern California. Habitat destruction and hybridization with the Sacramento sucker (*Catostomus occidentalis*) are the major reasons for the rapid decline of the Modoc sucker. Introduced brown trout (*Salmo trutta*) also prey on Modoc suckers in some areas. Critical habitat is included with this proposed rule. If finalized, the proposed rule would provide protection to populations of this species and its habitat under provisions of the Endangered Species Act. Comments and information are sought from the public, State, and Federal agencies.

**DATES:** Comments from all interested parties must be received by April 2, 1984. Public hearing requests must be received by March 16, 1984.

**ADDRESSES:** Interested persons or organizations are requested to submit materials and comments to Mr. Gail C. Kobetich, Endangered Species Office, U.S. Fish and Wildlife Service, 1230 "N" Street, 14th Floor, Sacramento, California 95814. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** For further information on the proposed rule contact Dr. Jack Williams, Endangered Species Office U.S. Fish and Wildlife Service, 1230 N Street, 14th Floor, Sacramento, California 95814; (916/440-2791, FTS 8/448-2791).

**SUPPLEMENTARY INFORMATION:****Background**

The Modoc sucker (*Catostomus microps*) was originally described from specimens collected in Rush Creek, Modoc County, California (Rutter, 1908). The Modoc sucker is a dwarf species of

the family Catostomidae. Individuals begin to mature at 70 to 85 mm standard length with few individuals exceeding 160 mm standard length (Boccone and Mills, 1979). Martin (1972) describes the colors of the Modoc sucker as greenish-brown to deep grey olive above, lighter-colored on the sides with some light yellowish pigment below, cream-colored to white ventrally, and with the caudal, pelvic, and pectoral fins light yellowish-orange. Three dark lateral spots also characterize this species.

The historic range of the Modoc sucker was small tributary streams of the Pit River in Lassen and Modoc Counties, California. At present, they are found only in four small streams in Modoc County, California, characterized by low flows and large shallow pools with cover, soft sediments, and clear water (Moyle and Marciochi, 1975). The diet of Modoc suckers consists primarily of benthic organisms and detritus as described by Moyle and Marciochi (1975). They also reported that Modoc suckers usually mature at 3 years of age and live for approximately 5 years. Boccone and Mills (1979) describe spawning characteristics for this species.

The recent decline of the Modoc sucker has caused widespread concern in the scientific community. The Modoc sucker is classified as endangered by the American Fisheries Society (Deacon *et al.*, 1979). The State of California has recently recognized the severe plight of this species by changing its classification from rare to endangered. Mills (1980) provides further documentation that the Modoc sucker should be listed as endangered. A recent publication (Cooper, 1983) on the fishes of the Pit River system indicated that the Modoc sucker should be added to the Federal list of endangered species and pointed out the need for recovery actions.

The Modoc sucker was included in the Service's December 30, 1982, Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species (47 FR 58454-60). In this review, the Modoc sucker was listed as a category 1 species indicating that the Service currently has substantial information on hand to support a proposed rule to list the species as endangered or threatened. On April 12, 1983, the Service was petitioned by the Desert Fishes Council to list the Modoc sucker. After evaluation of this petition, the Service found that the petitioned action was warranted. A notice of finding for this petition was published on June 14, 1983 (48 FR 27273-74).

**Summary of Factors Affecting the Species**

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Modoc sucker (*Catostomus microps*) are as follows.

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* In a 1978 California Department of Fish and Game survey, Modoc suckers were found in eight creeks: Washington, Hulbert, Turner, Willow, Ash, Dutch Flat, Johnson, and Rush. Modoc suckers probably inhabited more streams, historically, although their numbers may never have been great because of the small, often intermittent, stream habitat. However, current information indicates that genetically pure Modoc suckers exist only in Hulbert, Washington, Turner, and Johnson Creeks. These four creeks are estimated to contain 1,300 Modoc suckers. Pure Modoc suckers have been eliminated from other creeks by hybridization with the Sacramento sucker as well as general habitat degradation. Sacramento suckers inhabit large streams and reservoirs, but ascend small tributaries to spawn. Historically, natural instream barriers such as falls and steep gradient, prevented the movement of spawning Sacramento suckers into Modoc sucker habitat (Mills, 1980; Moyle and Marciochi, 1975). However, these natural barriers have been eliminated by siltation, channelization, and other agricultural activities. Cattle have compacted and denuded several meadow areas causing severe erosion and stream incision (Mills, 1980). Similarly, channelization has eliminated some natural instream barriers in Rush and Johnson Creeks. Channelization not only allows Sacramento suckers access to headwater areas but otherwise degrades habitat and results in reduced populations of most invertebrates and fishes (Moyle, 1976b). The presence of Modoc suckers is positively correlated with natural conditions, and the species does poorly in environments that have been degraded by physical habitat alteration or the presence of exotic species (Moyle, 1976c; Moyle and Marciochi, 1975).

In summary, the Modoc sucker has been eliminated from Dutch Flat, Willow, Ash and Rush Creeks and smaller tributaries to these creeks. Pure populations of the species are currently known only from Hulbert, Washington, Turner, and Johnson Creeks. Overgrazing by cattle, channelization, and water diversion have eliminated much of the former habitat and have precipitated the decline of the Modoc sucker. Physical habitat alteration has reduced habitat and eliminated natural barriers separating the Modoc sucker from the Sacramento sucker.

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** The Modoc sucker is not known to be overutilized for any purpose.

**C. Disease or predation.** In addition to the problems of hybridization with the Sacramento sucker, other fishes not naturally occurring in Modoc sucker habitat have contributed to the decline of the Modoc sucker. Brown trout (*Salmo trutta*) have been introduced into the Pit River and tributaries inhabited by the Modoc sucker. These introductions have reduced numbers of Modoc suckers by predation (Moyle, 1976c).

**D. The inadequacy of existing regulatory mechanisms.** The State of California lists the Modoc sucker as endangered which protects the species from taking. However, this protection is not adequate because State classification does not provide for habitat protection or the formulation of recovery plans.

**E. Other natural or manmade factors affecting its continued existence.** The Modoc sucker is threatened by the loss of genetic uniqueness through hybridization with the closely related Sacramento sucker. Historically, the presence of instream barriers, such as falls, prevented the Sacramento sucker from invading the Modoc sucker habitat. Stream alterations have eliminated barriers on several streams and has led to the hybridization of the two suckers. Modoc sucker populations in several creeks have been lost due to hybridization with the Sacramento sucker and the remaining populations are threatened.

#### Critical Habitat

Critical Habitat as defined by Section 3 of the Act and at 50 CFR Part 424 means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special

management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species.

The Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrent with the determination that a species is endangered or threatened. Critical habitat is being proposed for the Modoc sucker in portions of Hulbert, Washington, Turner, and Johnson Creeks in Modoc County, California. The areas proposed include approximately 12 miles of stream channel with a buffer zone of 50 feet on each side of the stream channel. The 50 foot buffer zone is deemed to be necessary because of the direct impact of activities affecting the immediate stream channel and the quality of the aquatic habitat for the species. The areas proposed as critical habitat satisfy all known criteria for the ecological, behavioral, and physiological requirements of the species. The species successfully reproduces in Hulbert, Washington, Turner, and Johnson Creeks. Viable populations existed in the other creeks near the proposed critical habitat prior to habitat degradation and invasion of Sacramento suckers. The areas proposed includes the entire known habitat of this species and modifications to critical habitat descriptions may be proposed in the future.

Section 4(b)(8) requires that for any proposed or final regulation which designates critical habitat a brief description and evaluation of those activities (public and private) which may adversely modify such habitat or may be affected by such designation, be provided.

1. Overgrazing of cattle in meadow areas adjacent to streams causes compacting and denuding of soils which leads to erosion and stream incision. This is presently occurring and may pose a serious threat.

2. Channelization, impoundment, and water diversion activities along streams could reduce available habitat and allow Sacramento suckers access to Modoc sucker spawning areas. This has occurred in the past but is not significant at the moment.

3. Introduction of exotic species which may compete with or prey on Modoc suckers. This is both a historical and a present threat.

4. Pollution of streams by silt or other pollutants would reduce the suitability of the stream environment for Modoc

suckers. This is mainly a consequence of overgrazing, discussed above.

The Service is required to consider economic and other impacts of specifying a particular area as Critical Habitat. A final impact analysis will be prepared prior to preparing the final rule and will be used as the basis for deciding whether or not to exclude any area from critical habitat for the Modoc sucker.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by other Federal, State, and private agencies, groups, and individuals. The Endangered Species Act requires that recovery actions be carried out for all listed species and these are initiated by the Service following listing. The protection required by Federal agencies and taking and harm prohibitions are discussed in part below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Section 7(a)(4) requires Federal agencies to informally confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. When a species is listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a "may affect" determination is expected, the Federal agency must enter into consultation with the Service.

The Service is notifying Federal agencies that have any jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information related to this proposed action.

There are several activities within the critical habitat involving Federal agencies which may have an impact on the habitat of the Modoc sucker. These activities include grazing leases and timber harvesting by the Forest Service. Moreover, the Allen Camp Unit, a reservoir project, was planned by the

Bureau of Reclamation on the Pit River but this impoundment was recently declared economically unfeasible and is considered halted by the Bureau of Reclamation. Such a reservoir would have provided excellent habitat for the Sacramento sucker and would have provided this species greater access to Modoc sucker habitat thus increasing the threat to that species. Sacramento suckers are known to readily ascend tributary streams to newly filled reservoirs (Wales, 1950).

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

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

#### Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particular are sought concerning:

(1) Biological or other relevant data concerning any threat (or lack thereof) to the Modoc sucker;

(2) The location of any additional populations of the Modoc sucker and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on the Modoc sucker; and

(5) Any foreseeable economic and other impacts resulting from determining critical habitat.

Final promulgation of the regulations on the Modoc sucker will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 Multnomah Street, Portland, Oregon 97232.

#### National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listings under the Endangered Species Act. *PLF v. Andrus* 657 F. 2d (6th Cir., 1981).

#### References

The following sources were used in the preparation of this proposed rule:

- Boccone, V. M. and T. J. Mills. 1979. Spawning behavior and spawning substrat preference of the Modoc sucker, *Catostomus microps* (Rutter). California Dept. Fish and Game, Inland Fish. Endangered Species Program Spec. Publ. 79-2
- Cooper, James J. 1983. Distributional ecology of native and introduced fishes of the Pit River system, northeastern California, with notes on the Modoc sucker. California Fish and Game 69(1):39-53.
- Deacon, J. E., G. Kobetich, J. D. Williams, S. Contreras, and other members of the Endangered Species Committee of the American Fisheries Society. 1979. Fishes of North America endangered, threatened, or of special concern: 1979. Fisheries 4(2):29-44.
- Martin, M. 1972. Morphology and variation of the Modoc sucker, *Catostomus microps* Rutter, with notes on feeding adaptations.

California Fish and Game 58(4):277-284.

Mills, T. J. 1980. Life history, status, and management of the Modoc sucker, *Catostomus microps* (Rutter) in California, with a recommendation for endangered classification. California Dept. Fish and Game, Inland Fish. Endangered Species Program Spec. Publ. 80-6.

Moyle, P. B. 1976a. Inland fishes of California. University of California Press. Berkeley. 405 pp.

Moyle, P. B. 1976b. Some effects of channelization on the fishes and invertebrates of Rush Creek, Modoc County, California. California Fish and Game 62(3):179-186.

Moyle, P. B. 1976c. Fish introduction in California: history and impact on native fishes. Biol. Conserv. 9:101-118.

Moyle, P. B. and A. Marciochi. 1975. Biology of the Modoc sucker, *Catostomus microps*, in northern California. Copeia 1975(3): 556-560.

Rutter, C. 1908. The fishes of the Sacramento-San Joaquin basin, with a study of their distribution and variation. Bull. U.S. Bur. Fish 27:103-152.

Wales, J. H. 1950. Swimming speed of the western sucker, *Catostomus occidentalis* Ayres. California Fish and Game 36(4):433-434.

#### Author

The primary author of this rule is Dr. Jack E. Williams, U.S. Fish and Wildlife Service, Department of the Interior, Endangered Species Office, 1230 "N" Street, 14th Floor, Sacramento, California 95814; (916/440-2791).

#### List of Subjects in 50 CFR Part 17

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

#### Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

#### PART 17—[AMENDED]

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

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

#### § 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under "Fishes."

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Sucker, Modoc.....	<i>Catostomus microps</i> .....	U.S.A. (CA).....	Entire.....	E.....	17.95(e).....	NA	

§ 17.95 [Amended]

3. It is further proposed to amend § 17.95(e) by adding critical habitat of the Modoc sucker as follows: (The position of the following critical habitat description in § 17.95(e) will be determined at the time of publication of a final rule).

**Modoc sucker**

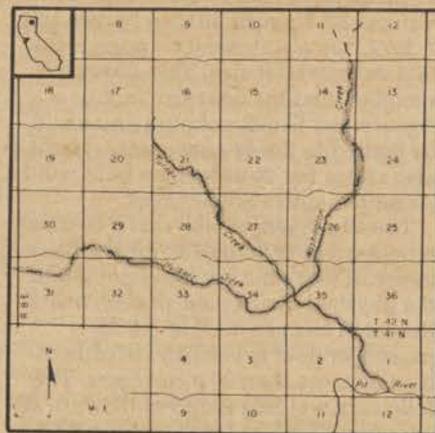
*Catostomus microps*

California: Modoc County.

1. **Turner Creek.** Approximately 4 stream miles and 50 feet on either side of the stream channel from the juncture of Turner Creek with the Pit River upstream to T42N, R8E, Section 21; including those areas of the stream channel in: T41N, R8E, Sections 1 and 2; T42N, R8E, Sections 21, 27, 28, 34, and 35.

2. **Washington Creek.** Approximately 4 stream miles and 50 feet on either side of the stream channel from the juncture of Washington Creek with Turner Creek upstream to T42N, R8E, Section 14; including those areas of the stream channel in Sections: T42N, R8E, Sections 14, 23, 24, 25, 26, and 35.

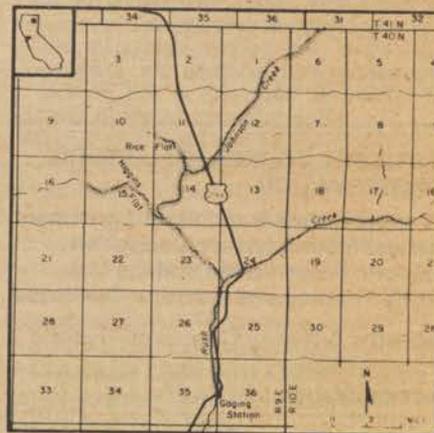
3. **Hulbert Creek.** Approximately 4 stream miles and 50 feet on either side of the stream channel from the juncture of Hulbert Creek with Turner Creek upstream to T42N, R8E, Section 31; including those areas of the stream channel in: T42N, R8E, Sections 29, 30, 31, 32, 33, 34, and 35.



4. **Johnson Creek.** Approximately 4.5 stream miles and 50 feet on either side of the stream channel from the juncture of Johnson Creek with Rush Creek upstream to T40N, R10E, Section 6; including those areas of the stream channel in: T40N, R9E, Sections 1, 11, 12, 14, 23, and 24. Unnamed tributary of Johnson Creek in Rice Flat, approximately 1 stream mile and 50 feet on either side of the stream channel from the juncture of this tributary with Johnson Creek upstream to T40N, R9E, Section 11; including those areas of the stream channel in: T40N, R9E, Sections 11 and 14. Unnamed tributary of Johnson Creek in Higgins Flat, approximately 1 stream mile and 50 feet on either side of the stream channel from the juncture of this tributary with Johnson Creek

upstream to T40N, R9E, section 15; including those areas of the stream channel in: T40N, R9E, Sections 14 and 15.

5. **Rush Creek.** Approximately 5 stream miles and 50 feet on either side of the stream channel from the gaging station at the Highway 299 crossing upstream to T40N, R10E, Section 17; including those areas of stream channel in: T40N, R9E, Sections 24, 25, 26, 35, and 36; T40N, R10E, Sections 17, 18, and 19.



Known constituent elements include small clear, cool, gravel and rubble bottomed streams with riffle and pool areas at 4,000-5,000 feet in elevation with riparian vegetation and instream barriers at lower elevations.

Dated: December 20, 1983.

**J. Craig Potter,**  
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-2814 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-55-M

# Notices

Federal Register

Vol. 49, No. 21

Tuesday, January 31, 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.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Proposed Memorandum of Agreement between the Advisory Council on Historic Preservation and the U.S. Army Training and Doctrine Command

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of and invites comment on a proposed Memorandum of Agreement for consideration of historic properties on installations of the United States Army Training and Doctrine Command (TRADOC).

Comments Due: Comments must be submitted on or before March 1, 1984.

**ADDRESS:** Executive Director, Advisory Council on Historic Preservation, The Old Post Office, 1100 Pennsylvania Avenue NW., Suite 809, Washington, DC 20004.

**FOR FURTHER INFORMATION:** Copies of the Agreement and additional information are available from Dr. Thomas King, Advisory Council on Historic Preservation, The Old Post Office, 1100 Pennsylvania Avenue NW., Suite 803, Washington, DC 20004, (202) 786-0505.

Dated: January 26, 1984.

Robert R. Garvey, Jr.,  
Executive Director.

[FR Doc. 84-2560 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-10-M

## DEPARTMENT OF AGRICULTURE Forest Service

### Rogue National Wild and Scenic River, and Siskiyou National Forest, Josephine County, Grants Pass, Oregon; Change in Definition of Passenger Boat

The revised development and

management plan for the Rogue National Wild and Scenic River, Oregon, as published in the *Federal Register* in Volume 37, Number 131, on Friday, July 7, 1972, has a statement on page 13413 that defines boat size. This statement specified that the boat size in the Agness and Skookumhouse areas will be limited to the 49-passenger jet boat. It also states the 49-passenger boat will be permitted above Snout Creek.

The 49 passenger size was a common term used in 1972 to describe the boats in use at that time but it did not define the physical dimensions of such boats. Research has shown that the 49-passenger boat is actually capable of hauling more than 49 passengers. The following wording removes the term 49-passenger boat and replaces it with a physical dimension:

Boat size in the Agness-Skookumhouse areas will not exceed 43 feet in length and/or 14 feet in width. These boats will not be allowed above Snout Creek. No boat in excess of 31 feet, 6 inches in length and/or 12 feet in width or with a capacity of more than 42 passengers will be allowed above Snout Creek.

All boats operating on the river today meet these size limitations.

Dated: January 18, 1984.

Carlin B. Jackson,  
Acting Deputy Regional Forester.

[FR Doc. 84-2594 Filed 1-30-84; 8:45 am]

BILLING CODE 3410-11-M

## Soil Conservation Service

### Brusly Flood Prevention RC&D Measure, Louisiana; Finding of No Significant Impact

**AGENCY:** Soil Conservation Service  
USDA.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives

notice that an environmental impact statement is not being prepared for the Brusly Flood Prevention RC&D Measure, West Baton Rouge Parish, Louisiana.

#### FOR FURTHER INFORMATION CONTACT:

Harry S. Rucker, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, La. 71302, telephone (318) 473-7751.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Harry S. Rucker, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the improvement of approximately six miles of existing channels to provide for flood protection. The majority of the construction activity will be in open land on ephemeral channels.

Associated measures include pipe drops and vegetation for erosion control.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Harry S. Rucker.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Harry S. Rucker,  
State Conservationist.  
January 20, 1984.

[FR Doc. 84-2552 Filed 1-30-84; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

## Office of the Secretary

## 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: Bureau of the Census  
Title: Quarterly Survey of the Finances of Public-Employee Retirement System

Form numbers: Agency—F-10; OMB—0607-0143

Type of request: Revision of a currently approved collection

Burden: 85 respondents; 340 reporting hours

Needs and uses: The collected data are needed to survey the recipients, payments, and asset balances of major public-employee retirement systems. The data are used to analyze factors affecting the securities market.

Affected public: State or local governments

Frequency: Quarterly

Respondent's obligation: Voluntary

OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census  
Title: Survey of Income and Program Participation (Pretest—Wave 4)

Form numbers: Agency—SIPP-4400X, SIPP-4403X, SIPP-4405X; OMB—0607-0425

Type of request: Revision of a currently approved collection

Burden: 300 respondents; 150 reporting hours

Needs and uses: This survey is needed to improve and expand data that are currently available on the income and general economic and financial situation of the U.S. population. Wave 4 of this survey is used to add topical module questions on assets and liabilities, retirement and pension coverage, and housing conditions/energy usage.

Affected public: Individual or households

Frequency: Other (pretest)

Respondent's obligation: Voluntary

OMB desk officer: Timothy Sprehe, 395-4814.

Agency: National Oceanic and Atmospheric Administration  
Title: Application for Fishing Vessel Guarantee

Form numbers: Agency—NOAA-88-1; OMB—0648-0012

Type of request: Reinstatement of a previously approved collection for which approval has expired

Burden: 3,570 respondents; 14,280 reporting hours

Needs and uses: Information provided on the application is used to determine the risk to the Federal government of guaranteeing a loan to the applicant, as well as the eligibility of the applicant for the program.

Affected public: Businesses or other for-profit, small businesses or organizations

Frequency: On occasion

Respondent's obligation: Required to obtain or retain a benefit

OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration

Title: Data Documentation Form

Form numbers: Agency—NOAA-24-13; OMB—0648-0024

Type of request: Extension

Burden: 300 respondents; 750 reporting hours

Needs and uses: The National Oceanographic Data Center is the national archive and permanent data base for marine environmental data. Marine scientists provide data and the Data Document Form is used to describe the information submitted.

Affected public: State and local governments, Federal agencies or employees, non-profit institutions

Frequency: On occasion

Respondent's obligation: Voluntary

OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration

Title: Pacific Billfish Angler Survey

Form numbers: Agency—NOAA-88-10; OMB—0648-0020

Type of request: Extension

Burden: 2,143 respondents; 150 reporting hours

Needs and uses: Information is used to assess the annual trend in the catch rate for billfish by marine recreational fishermen in the Pacific. Data is used for research and management purposes.

Affected public: Individuals or households

Frequency: Annually

Respondent's obligation: Voluntary

OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration

Title: Federal Fisheries Permit (Amendment A)

Form numbers: Agency—NOAA-88-155 and 156; OMB—0648-0097

Type of request: Revision of a currently approved collection

Burden: 10,018 respondents; 5,095 reporting hours

Needs and uses: Application provides information required for issuance of

fisheries permits. The permit is used to enumerate the number of participants and monitor level of fishing activities. This collection is being revised to include experimental groundfish permits for the Pacific Fishery Management Plan.

Affected public: Businesses or other for-profit, small businesses or organizations

Frequency: On occasion

Respondent's obligation: Required to obtain or retain a benefit

OMB desk officer: Ken Allen, 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, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Linda Engelmeier,  
Management Analyst.

FR Doc. 84-2659 Filed 1-30-84; 8:45 am]

BILLING CODE 3510-CW-M

## International Trade Administration

[A-570-001]

## Antidumping Duty Order; Potassium Permanganate From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

**SUMMARY:** In separate investigations concerning potassium permanganate from the People's Republic of China (PRC), the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that potassium permanganate from the PRC is being sold at less than fair value and that sales of potassium permanganate from the PRC are materially injuring a United States industry. Additionally, both the Department of Commerce and the ITC found that "critical circumstances" did exist with respect to potassium permanganate from the PRC. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of potassium permanganate from the PRC made 90 days before August 9, 1983, the date on which the Department published its

"Preliminary Determination of Sales At Less Than Fair Value" notice in the *Federal Register*, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the *Federal Register*.

**EFFECTIVE DATE:** January 31, 1984.

**FOR FURTHER INFORMATION CONTACT:** John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-4929.

**SUPPLEMENTARY INFORMATION:** The merchandise covered by this order is potassium permanganate, an inorganic chemical produced in free flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on August 9, 1983, the Department published its preliminary determination that there was reason to believe or suspect that potassium permanganate from the PRC was being sold at less than fair value and that "critical circumstances" existed (48 FR 36175). On December 29, 1983, the Department published its final determination that these imports were being sold at less than fair value and that "critical circumstances" existed with respect to potassium permanganate from the PRC (48 FR 57347).

On January 20, 1984, in accordance with section 735(b) of the Act (19 U.S.C. 1673d(b)), the ITC notified the Department that such importations are materially injuring a United States industry. The ITC also made an affirmative determination regarding "critical circumstances".

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of potassium permanganate from the PRC. These antidumping duties will be assessed on all unliquidated entries of potassium permanganate entered, or

withdrawn from warehouse, for consumption 90 days before August 9, 1983, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the *Federal Register*.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers/producers/exporters	Weighted-average margins (percent)
China National Chemicals Import and Export Corporation (SINOCEM).....	39.63
All other Manufacturers/Producers/Exporters.....	39.63

This determination constitutes an antidumping order with respect to potassium permanganate from the People's Republic of China, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

We have deleted from the Commerce Regulations, Annex 1 of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

#### Notice of Review

In accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) the Department hereby gives notice that it is commencing an administrative review of this order on January 31, 1984. For further information regarding this review, contact Mr. William Matthews at (202) 377-5253.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Commerce Regulations (19 CFR 353.48).

Dated: January 24, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-2534 Filed 1-30-84; 8:45 am]

BILLING CODE 3510-DS-M

#### University of Washington; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651,

80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 83-28. Applicant: University of Washington, Seattle, WA 98195. Instrument: (10) Recording Current Meters, Model RCM-4 and (4) Conductivity Cells, Model 2105. Manufacturer: Anadara Instruments, Norway. Intended use: See notice at 47 FR 53083.

Comments: None received.

Decision: Denied. An instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: In its request for duty-free entry, the applicant states that the foreign instrument provides three features, pertinent to its intended uses (within the meaning of § 301.2(s) of the joint Commerce and Treasury regulations) and not available in any domestic instrument:

(a) Deployment capability of greater than one year.

(b) Ability to measure conductivity and expanded-scale temperature in addition to velocity.

(c) A serial 10 bit word long and short pulse, capable of interfacing with the university's translation system.

The National Oceanographic and Atmospheric Administration (NOAA) advises in its memorandum dated January 31, 1983 that these features are pertinent but that the Model 9021 recording current meter manufactured by the U.S. firm Grundy Environmental Systems is of equivalent scientific value to the foreign instrument for such purposes as the instrument is intended to be used. We concur with NOAA's advice, except that we do not find data compatibility with the University's translation system to be a pertinent feature within the meaning of Schedule 8, Pt. 4, headnote 6 (19 U.S.C. 1202) of the Tariff Schedules of the U.S.

#### Discussion of Features Alleged Pertinent

(a) *Deployment capability of greater than one year.*

NOAA advises that the Grundy Model 9021 current meter is capable of one-year deployments and matches this pertinent feature of the foreign instrument. We note that the domestic instrument provides 70,000 complete words on 600 feet of triple-play tape stored on a 3-inch spool. The foreign instrument provides 60,000 complete words using 600 feet of magnetic tape on

3-inch spools. The most obvious limiting factor is battery life. In this respect, we note that, for 10,000 samples at a 10-minute sampling rate, the battery life claimed for both instruments is basically equivalent (69 hours for the foreign instrument, 72.7 hours for the domestic instrument).

The domestic instrument is also equipped with an external cable for battery charging. At any rate, we note that both recording current meters can be usefully deployed for a period of more than one year by scaling down the number of samples or words collected per day.

(b) *Ability to measure conductivity and expanded-scale temperature in addition to velocity.*

The foreign instrument with its temperature and optional conductivity sensors can measure temperature and conductivity in addition to velocity. The domestic Grundy Model 9021 is available with optional sensors which give it the ability to measure temperature and conductivity in addition to velocity.

(c) *A serial 10-bit-word long and short pulse, capable of interfacing with the university's translation system.*

The foreign instrument provides data in serial 10-bit binary words (short and long pulses). The domestic instrument also outputs serial data in 10-bit binary code with short and long pulses of 4 and 12 milliseconds, respectively. Grundy also offers tape translation by means of its Grundy Model 8321 Tape Translator, which converts the tape data from series to parallel in seven or nine track format. This service is also offered by mail by Grundy Environmental Systems. Although the data may not be compatible with the applicant's translation system and this could be a very expensive and time-consuming problem for the applicant, such costs or inconvenience are not pertinent within the meaning of § 301.2(s) of the regulations. NOAA, we note, routinely processes data at a central processing site from both Grundy and Anadaraa instruments.

Based on the foregoing considerations, NOAA advice and our own review of the application, we find that the Grundy Model 9021 is of equivalent scientific value to the foreign instrument for such purposes as this instrument is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 84-2860 Filed 1-30-84; 8:45 am]

**BILLING CODE 3510-DS-M**

### **COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**

#### **Procurement List 1984; Additions**

##### *Correction*

In FR Doc. 84-2327, appearing on page 3506, in the issue of Friday, January 27, 1984, make the following corrections:

1. On page 3506, in the third column, the second line should read, "269-5761".
2. Also in the third column, in the ninth line, "5782" should read "5764".

**BILLING CODE 1505-01-M**

### **COPYRIGHT ROYALTY TRIBUNAL**

[Docket No. CRT 80-4]

#### **1979 Cable Royalty Distribution Proceeding; Remand Issues; Allocation of Sports Royalties Order**

We are gratified that the National Association of Broadcasters (NAB) and the Joint Sports Claimants (JSC) have come to us with the proposal that the allocation of royalty fees between each station and the sports club whose games it telecasts be left to private resolution by them. As we believe we made clear during the course of the hearings, it is our view that this issue is best resolved privately between station and club. Such a marketplace approach has the great advantage of allowing individual cases to be resolved differently depending on the circumstances. Our allocation decisions are, after all, by their very nature, imperfect attempts to approximate the workings of the marketplace. Where the marketplace can be relied on directly, it should be, rather than looking to us for dispute resolution.

For these reasons, we embrace and adopt the proposal of NAB and JSC, to which the Canadian Claimants have also agreed. We will continue to distribute the sports telecasts portion of the Phase I royalty fee allocation to JSC, for their redistribution to individual club or league claimants. We will determine what that aggregate portion shall be in each distribution proceedings, but there our function ends. JSC will promptly advise any broadcaster which produces

the telecasts of a sports club's games, upon the broadcaster's request, as to the amount of royalty fees distributed (1) to that club or, (2) if no separate distribution has been made to the individual club, to the league, conference, or other entity of which the club is a member. Any subsequent sharing of royalties between these sports interests and broadcasters will be left to their private resolution.

As we and the Court of Appeals have previously recognized, it is clear that a sports club owns a copyright in the telecasts of its games if simultaneously "fixed"; it is equally clear that a broadcaster who produces the telecasts of such games also owns a copyright in such telecasts. These copyrightable interests have relative market values, the determination of which may be addressed in any royalty distribution proceedings. By adopting the approach of NAB and JSC, it is not necessary that we make such a valuation; rather, we are simply allowing the parties themselves to do so in the context of their private negotiations.

In many instances, the parties have already negotiated such valuations as a part of their contractual relationships; these arrangements will not be disturbed by today's disposition. Insofar as the Tribunal is concerned, unless and until such valuations are negotiated or otherwise resolved a sports club and a broadcaster, the share distributed to the sports club incident to Phase I allocations shall remain the sports club's property.

We agree with NAB and JSC that any future negotiations between a particular sports club and a particular broadcaster should be made in a free, open, and arm's-length marketplace environment. Accordingly, we do not intimate any views as to how, if at all, the royalties should be shared in any specific case. Moreover, we wish to emphasize that nothing in any of our prior decisions should be interpreted as constituting a final judgment with regard to the comparative values of the contributions made by sports clubs and broadcasters to sports telecasts. We believe that the parties affected are in a better position than we to place the appropriate value on their respective contributions.

Dated: January 20, 1984.

**Thomas C. Brennan,**  
*Chairman.*

[FR Doc. 84-2586 Filed 1-30-84; 8:45 am]

**BILLING CODE 3410-06-M**

**DEPARTMENT OF DEFENSE**

**Defense Logistics Agency**

**Privacy Act of 1974; Amendments to the Notices for Two Systems of Records**

**AGENCY:** Defense Logistics Agency, DOD.

**ACTION:** Amendments to the Notices for Two Systems of Records.

**SUMMARY:** The Defense Logistics Agency proposes to amend the notices for two systems of records subject to the Privacy Act of 1974. The proposed amendments as well as the notice as amended are set forth below.

**DATE:** This action will be effective without further notice on March 6, 1984.

**ADDRESS:** Send any comments to Cheryl Morrissey, Headquarters, Defense Logistics Agency, (ATTN: DLA-XAM), Cameron Station, Alexandria, VA 22314.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Morrissey, Headquarters, Defense Logistics Agency, (ATTN: DLA-XAM), Cameron Station, Alexandria, VA 22314. Telephone: (703) 274-4606.

**SUPPLEMENTARY INFORMATION:** The Defense Logistics Agency systems notices for systems of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a), were published in the *Federal Register* at 48 FR 25876 (FR Doc. 83-12048) June 6, 1983.

Altered system reports (see 5 U.S.C. 552a(o)) were submitted on December 27, 1983.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*  
January 25, 1984.

**Amendments**

**S255.01 DLA-G**

*System Name*

Fraud & Irregularities.

**Changes**

*System Location*

Delete the current entry and insert:  
"Primary System—Case files on actual or suspected fraud, criminal conduct and antitrust violations which arise from procurement, the disposal of surplus property, the administration of contracts or any other operation of DLA are filed at the Office of the General Counsel, DLA.

"Decentralized segments—corresponding files at Office of Counsel for field activities".

*Categories of Individuals Covered by the System*

At the end of the sentence, add the phrase "or other DLA activities."

*Purpose(s)*

Add caption and insert:  
"Information is used in the investigation and prosecution of criminal or civil actions involving fraud, criminal conduct and antitrust violations and is used in determinations to suspend or debar individuals or other entities from DLA procurements and sales.

"Information may be referred to and used by DOD investigators and Government attorneys in DLA and other activities of the Department of Defense".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses*

Delete present entry and insert:  
"Information may be referred to and used by Federal investigators, Department of Justice, and other contracting, audit, inspection, investigative, and legal activities of other agencies to include State and local law enforcement agencies, as appropriate.

"See also blanket routine use set forth above."

*Policies and Practices for Storing, Retrieving, Accessing, and Disposing of Records in the System*

*Storage*

Delete the present sentence and insert: "Maintained in combination of paper and automated files".

*Safeguards*

Delete the present sentence and insert: "Records, as well as computer terminals, are maintained in areas accessible only to DLA personnel. In addition, access to and retrieval from computerized files is limited to authorized users and is password protected."

*System Manager(s) and Address*

At the beginning of the sentence, add the word "General."

The amended portions of System S255.01 DLA-G read as follows:

**S255.01 DLA-G**

**SYSTEM NAME:**

Fraud & Irregularities

**SYSTEM LOCATION:**

Primary System—Case files on actual or suspected fraud, criminal conduct and antitrust violations which arise from procurement, the disposal of surplus

property, the administration of contracts or any other operation of DLA; includes investigated incidents of violations of standards of conduct by DLA and other government Employees are filed at Office of General Counsel, Headquarters, DLA.

Decentralized segments—corresponding files at Offices of Counsel for field activities.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual or group or other entity, involved in or suspected of being involved in any fraud, criminal conduct or antitrust violation relating to DLA procurement, property disposal or contract administration or other DLA activities.

\* \* \* \* \*

**PURPOSE(S):**

Information is used in the investigation and prosecution of criminal or civil actions involving fraud, criminal conduct and antitrust violations and is used in determinations to suspend or debar individuals or other entities from DLA procurements and sales.

Information may be referred to and used by DOD investigators and Government attorneys in DLA and other activities of the Department of Defense.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be referred to and used by Federal Investigators, Department of Justice, and other contracting, audit, inspection, investigative, and legal activities of other agencies to include State and local law enforcement agencies as appropriate.

See also blanket routine use set forth above.

\* \* \* \* \*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in combination of paper and automated files.

\* \* \* \* \*

**SAFEGUARDS:**

Records, as well as computer terminals, are maintained in areas accessible only to DLA personnel. In addition, access to and retrieval from computerized files is limited to authorized users and is password protected.

\* \* \* \* \*

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Headquarters, DLA;  
DLA Field Activity Counsels.

**Amendments***S252.50 DLA-G**System Name*

Claims & Litigation, other than  
Contractual.

**Changes***System Location***Add:**

After the phrase "of the Defense  
Logistics Agency (DLA); Office of", add  
the word "General."

*Purpose(s)*

Add caption and insert: "Information  
is used in settlement of claims or  
lawsuits. Information is used in the  
defense and prosecution of lawsuits  
involving DLA.

"Information is used by DLA  
attorneys and representatives of the  
Department of Defense in the conduct of  
litigation and administrative settlement  
of claims."

*Routine Uses of Records Maintained in  
the System, Including Categories of  
Users and the Purposes of Such Uses***Delete present entry and insert:**

"Information is used by individual  
claimants or litigants or their  
representatives, the Department of  
Justice and the investigative, audit,  
inspection and legal staffs of other  
Executive agencies as appropriate and  
the General Accounting Office in the  
conduct of litigation and administrative  
settlement of claims.

"See also blanket routine use set forth  
above."

*Storage*

Delete the current entry and substitute  
therefor:

"Maintained in combination of paper  
and automated files".

*Safeguards*

Delete the current entry and insert:  
"Records, as well as computer  
terminals, are maintained in areas  
accessible only to DLA Personnel. In  
addition, access to the computerized  
information in the system is limited to  
authorized users and is password  
protected".

*System Manager(s) and Address*

Add: At the beginning of the first  
sentence add the word "General."

The amended portions of System  
S252.50 DLA-G read as follows:

**S252.50 DLA-G****SYSTEM NAME:**

Claims & Litigation, other than  
Contractual.

**SYSTEM LOCATION:**

Primary System-Case files on claims  
or potential claims against the  
Government, lawsuits and potential  
suits arising from the non-contractual  
operation of the Defense Logistics  
Agency (DLA); Office of General  
Counsel, Headquarters, DLA.  
Decentralized segments—corresponding  
files at Offices of Counsel, DLA Field  
Activities.

**PURPOSE(S):**

Information is used in settlement of  
claims or lawsuits. Information is used  
in the defense and prosecution of  
lawsuits involving DLA.

Information is used by DLA attorneys  
and representatives of the Department  
of Defense in the conduct of litigation  
and administrative settlement of claims.

**ROUTINE USES OF RECORDS MAINTAINED IN  
THE SYSTEM, INCLUDING CATEGORIES OF  
USERS AND THE PURPOSES OF SUCH USES:**

Information is used by individual  
claimants or litigants or their  
representatives, the Department of  
Justice and the investigative, audit,  
inspection and legal staffs of other  
Executive agencies as appropriate and  
the General Accounting Office in  
conducting litigation and administrative  
settlement of claims.

See also the blanket routine use set  
forth above.

**POLICIES AND PRACTICES FOR STORING,  
RETRIEVING, ACCESSING, RETAINING, AND  
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in combination of paper  
and automated files.

**SAFEGUARDS:**

Records, as well as computer  
terminals, are maintained in areas  
accessible only to DLA personnel. In  
addition, access to the computerized  
information in the system is limited to  
authorized users and is password  
protected.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Headquarters, DLA;  
Counsel, DLA Field Activities.

[FR Doc. 84-2532 Filed 1-30-84; 8:45 am]

**BILLING CODE 3620-01-M**

**Department of the Navy****Privacy Act of 1974; Amended  
Systems of Records**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of amended systems of  
records.

**SUMMARY:** The Department of the Navy  
proposes to amend six systems of  
records in its inventory of systems of  
records subject to the Privacy Act of  
1974. The proposed amendments and  
system notices as amended are set forth  
below.

**DATES:** The proposed actions will be  
effective without further notice on  
March 1, 1984.

**ADDRESS:** Send any comments to the  
system managers identified in the  
systems notices.

**FOR FURTHER INFORMATION CONTACT:**  
Mrs. Gwendolyn R. Aitken, Privacy Act  
Coordinator, Office of the Chief of  
Naval Operations (OP-09B30),  
Department of the Navy, The Pentagon,  
Washington, D.C. 20350. Telephone: 202/  
694-2004.

**SUPPLEMENTARY INFORMATION:** The  
Department of the Navy systems notices  
for records systems subject to the  
Privacy Act of 1974, as amended, (5  
U.S.C. 552a) were published in the  
*Federal Register* as follows: FR Doc. 83-  
109 (48 FR 26029) June 6, 1983.

The proposed amendments are not  
within the purview of the provision of 5  
U.S.C. 552a(o) which requires the  
submission of an altered system report.

M. S. Healy,

*OSD Federal Register Liaison Officer,  
Department of Defense.*

January 25, 1984.

**N01900-1***System Name*

Naval Discharge Review Board  
Proceedings (48 FR 26070) June 6, 1983.

*Changes**Purpose(s)*

Add the following paragraph: "The  
collected information is used to defend  
the Department to the Navy in civil suits  
filed against it in the State and/or  
Federal courts system. This information  
will permit officials and employees of  
the Board to consider former member's  
applications for review of discharge or  
dismissal and any subsequent  
application by the member; to answer  
inquiries on behalf of or from the former  
member of counsel regarding the action  
taken in the former member's case. The  
file is used by members of the Board for  
Correction of Naval Records when

reviewing any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses*

Delete the first 15 lines and the phrase: " \* \* \* discharge or dismissal" in line 16. Add the following at the end of the entry: "Officials of the Department of Justice and the United States Attorneys offices assigned to the particular case".

*Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System*

*Retrievability*

Delete the entire entry and substitute with the following: "The records are filed by name and by year of review. Although social security number and/or service number appears on the records, records cannot be retrieved thereby."

*Retention and Disposal*

In the fifth line after the word "the", delete the phrase: " \* \* \* Federal Records Center \* \* \*" and substitute with the phrase: " \* \* \* Washington National Records Center, \* \* \*"

*System Manager(s) and Address*

In the second line, delete the phrase: " \* \* \* Department of the Naval \* \* \*" and substitute with the phrase: " \* \* \* Room 914, Ballston Tower 2, \* \* \*"

*Notification Procedures*

Delete the entire entry and substitute with the following: "Information may be obtained from the Naval Discharge Review Board, Room 905, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203."

**N05330-1**

*System Name*

Manhour Accounting System (48 FR 26089) June 6, 1983.

*Changes*

*System Location*

Delete the entire entry and substitute with the following: "Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses".

*Categories of Individuals Covered by the System*

Delete the second and third lines of the entry.

*Categories of records in the system*

Delete the entire entry and substitute with the following: "Record could contain any of the following: Assigned organization code, work center code, name, grade code, pay rate, social security number, NEC/MOS, labor code, type transaction, hours assigned".

*Authority for Maintenance of the System*

Delete the entire entry and substitute with the following: "10 U.S.C. 5031".

*Purpose(s)*

Add the following entry: "To maintain a data base which will permit officials and employees of the respective naval commands to effectively manage and administer the workforce such as scheduling and assigning work; identifying individual's skill level; tools issued; planned absents and temporary assignments to other areas".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses*

Delete the entire entry and substitute with the following: "The blanket routine uses that appear at the beginning of the Department of the Navy's compilation apply to this system".

*Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System*

*Retrievability*

Add the word "Name, \* \* \*" at the beginning of the entry.

*Retention and Disposal*

In the third line of the entry, delete the phrase: " \* \* \* to or is supporting a training evolution or activity".

*System Manager(s) and Address*

Delete the entire entry and substitute with the following: "The commanding officer of the activity in question. See directory of Navy activities mailing addresses".

*Record Source Categories*

Delete the entire entry and substitute with the following: "Input provided by command employing individual".

**N07220-1**

*System Name*

Armed Forces Health and Professional Scholarship System (48 FR 26133) June 6, 1983.

*Changes*

*Purpose(s)*

Add the following paragraph: "To maintain a data base which will permit

officials and employees of the Department of the Navy to prepare checks, leave and earnings statements, and financial reports".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses*

Delete the entire entry and substitute with the following: "To the Department of the Treasury, Social Security Administration, and Veterans Administration when needed to provide payment or service to member.

To federal, state, or local government agencies when payments received through the Armed Forces Health and Professional Scholarship System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member."

**N07220-2**

*System Name*

Retired Pay System (48 FR 26133) June 6, 1983

*Changes*

*Purpose(s)*

Add the following paragraph: "To be used by officials and employees of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the computation of retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims. Data is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for internal use as required by the Department of Defense".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses*

Delete the first nine lines in the entry. In the Second paragraph, line 5, delete the phrase: " \* \* \* internally or \* \* \*". In the second paragraph, line 6, delete the phrase, " \* \* \* Department of Defense \* \* \*". In the second paragraph, line 36, after the word " \* \* \* agencies.", add the following phrase: " \* \* \* and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget \* \* \*"

N07220-3

*System Name*Reserve Pay System (48 FR 26134)  
June 6, 1983.*Changes**Purpose(s)*

Add the following paragraph: "This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earning statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in updating, verifying or correcting their records".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses*

Delete the entire entry and substitute with the following: "To the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury for issuance of checks; to the Veterans Administration or to the Navy Family Allowance Activity, when needed to process cases in the courts upon court order; to the designated beneficiaries of deceased members; to federal, state, or local government agencies when payments received through the Reserve Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget; to the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member".

N07220-4

*System Name*Naval Reserve Officer Training Corps  
Pay System (48 FR 26134) June 6, 1983.*Changes**Purpose(s)*

Add the following paragraph: "This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earning statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in

updating, verifying or correcting their records or to process cases".

*Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses*

Delete the entire entry and substitute with the following: "To the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury for issuance of checks; to the Veterans Administration or to the Navy Family Allowance Activity, when needed to process cases; to the courts upon court order; to the designated beneficiaries of deceased members; to federal, state, or local government agencies when payments received through the Naval Reserve Officer Training Corps Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget; to the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member".

The amended systems of records read as follows:

N01900-1

**SYSTEM NAME:**Naval Discharge Review Board  
Proceedings.**PURPOSE(S):**

The collected information is used to defend the Department of the Navy in civil suits filed against it in the State and/or Federal courts system. This information will permit officials and employees of the Board to consider former member's applications for review of discharge or dismissal and any subsequent application by the member; to answer inquiries on behalf of or from the former member or counsel regarding the action taken in the former member's case. The file is used by members of the Board for Correction of Naval Records when reviewing any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The file is used by counsel for the former member, and by accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs

under 38 U.S.C. 3402 and duly designated by the former member as his or her representative before the Naval Discharge Review Board. Officials of the Department of Justice and the United States Attorneys offices assigned to the particular case.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****RETRIEVABILITY:**

The records are filed by name and by year of review. Although social security number and/or service number appear on the records, records cannot be retrieved thereby.

**RETENTION AND DISPOSAL:**

Files are permanent. They are retained in the Naval Discharge Review Board's administrative office for two years. After that time, they are sent to the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Naval Council of Personnel Boards, Room 914, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203.

**NOTIFICATION PROCEDURES:**

Information may be obtained from the Naval Discharge Review Board, Room 905, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203.

N05330-1

**SYSTEM NAME:**

Manhour Accounting System.

**SYSTEM LOCATION:**

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Active military and civilian personnel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record could contain any of the following: Assigned organization code, work center code, name, grade code, pay rate, social security number, NEC/MOS, labor code, type transaction, hours assigned.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 5031.

**PURPOSE(S):**

To maintain a data base which will permit officials and employees of the respective naval commands to effectively manage and administer the workforce such as scheduling and assigning work; identifying individual's skill level; tools issued; planned absents and temporary assignments to other areas.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By officials and employees of respective commands in the execution of assigned duties pertaining to management and administration of workforce.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**RETRIEVABILITY:**

Name, organization code, social security number, and work center.

**RETENTION AND DISPOSAL:**

Individual personal data are retained only for that period of time that an individual is assigned. Upon departure of an individual, personal data are deleted from the records and history records are not maintained.

**SYSTEM MANAGER(S) AND ADDRESS:**

The commanding officer of the activity in question. See directory of Navy activities mailing addresses.

**RECORD SOURCE CATEGORIES:**

Input provided by command employing individual.

**N07220-1**

**SYSTEM NAME:**

Armed Forces Health and Professional Scholarship System.

**PURPOSE(S):**

To maintain a data base which will permit officials and employees of the Department of the Navy to prepare checks, leave and earnings statements, and financial reports.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

To the Department of the Treasury, Social Security Administration, and Veterans Administration when needed to provide payment or service to member.

To federal, state, or local government agencies when payments received through the Armed Forces Health and Professional Scholarship System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member.

**N07220-2**

**SYSTEM NAME:**

Retired Pay System.

**PURPOSE(S):**

To be used by officials and employees of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the computation of retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims. Data is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for internal use as required by the Department of Defense.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use externally required by Department of Labor, Department of Commerce or by other government agencies. Records may be released to the Comptroller General of any of his authorized representatives in the course of the performance of duties of the Comptroller General; the General Accounting Office for audits and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of the Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay and Educational benefits; the Social Security Administration for FICA Wage reporting; the Internal Revenue Service and state and local taxing authorities for

computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System; to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts; and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget. To designated beneficiaries of deceased member. To the American Red Cross, Navy Relief Society, or U.S.O. personnel for assistance to the member or annuitant.

**N07220-3**

**SYSTEM NAME:**

Reserve pay System.

**PURPOSE(S):**

This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earning statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in updating, verifying or correcting their records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

To the internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury for issuance of checks; to the Veterans Administration or to the Navy Family Allowance Activity, when needed to process cases in the courts upon court order; to the designated beneficiaries of deceased members; to federal, state, or local government agencies when payments received through the Reserve Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget; to the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

N07220-4

**SYSTEM NAME:**Naval Reserve Officer Training Corps  
Pay System.**PURPOSE(S):**

This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earning statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in updating, verifying or correcting their records or to process cases.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

To the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability; to the Social Security Administration to determine member's coverage under that program; to the Department of the Treasury for issuance of checks; to the Veterans Administration or to the Navy Family Allowance Activity, when needed to process cases; to the courts upon court order; to the designated beneficiaries of deceased members; to federal, state, or local government agencies when payments received through the Naval Reserve Officer Training Corps Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget; to the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

[FR Doc. 84-2533 Filed 1-30-84; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF EDUCATION****Office of Postsecondary Education****Law School Clinical Experience Program; Application Notice for New Projects for Fiscal Year 1984**

Applications are invited for new projects under the Law School Clinical Experience Program.

Authority for this program is contained in Title IX, Part E of the Higher Education Act of 1965, as amended. (20 U.S.C. 1134n-1134p).

This program issues awards to accredited law schools or combinations

or consortiums of accredited law schools.

The purpose of the Law School Clinical Experience Program is to establish or expand projects at accredited law schools to provide supervised clinical experience to students in the practice of law.

*Closing Date for Transmittal of Applications:* Applications for awards must be mailed or hand-delivered by March 16, 1984.

*Applications Delivered by Mail:* An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.097, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

*Applications Delivered by Hand:* An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

**Program Information**

*Available Funds:* For Fiscal Year 1984, \$1 million has been appropriated in the Department of Education Appropriation Act, 1984 for the Law School Clinical Experience Program.

The program legislation permits the Secretary to pay up to 90 percent of the costs of projects at law schools. The program regulations permit the Secretary to establish annually a lower maximum Federal share. In Fiscal Year 1983 with a \$605,000 appropriation, the maximum Federal share was 50 percent. With a funding level of \$1 million for Fiscal Year 1984, the Secretary is once again establishing a maximum Federal share of 50 percent. A major objective of this program is to increase the financial commitment of a law school to clinical legal education. Support of clinical legal education is not considered a permanent Federal responsibility. The setting of the Federal share at 50 percent supports the program's objective. The Secretary expects to make between 35 and 40 awards, with no individual grant exceeding \$30,000.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Final regulations governing the Law School Clinical Experience Program were published in the *Federal Register* on July 14, 1981. These regulations broadly define the types of projects the Secretary intends to support under this program. The regulations also specify the selection criteria to be used in evaluating applications.

*Application Forms:* Application forms and program information packages are expected to be ready for mailing by January 31, 1984. They may be obtained by writing to the Graduate Programs Branch, U.S. Department of Education (Room 3044, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages.

The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition.

*Applicable Regulations:* The regulations applicable to this program are:

- (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78; and

(b) The regulations in 34 CFR Part 639.  
*Further Information:* For further information contact Dr. Louis J. Venuto, Acting Chief, Graduate Programs Branch, U.S. Department of Education (Room 3044, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

(20 U.S.C. 1134n-1134p)

(Catalog of Federal Domestic Assistance Number 84.097, Law School Clinical Experience Program)

Dated: January 24, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84-2616 Filed 1-30-84; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Office of the Secretary

#### Dose Assessment Advisory Group; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Dose Assessment Advisory Group (DAAG).

Date and Time: Thursday, February 16, 1984—8:30 a.m.—4:30 p.m. Friday, February 17, 1984—8:30 a.m.—12:00 p.m.

Place: U.S. Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada 89114.

Contact: Marshall Page, Jr., Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, U.S. Department of Energy, P.O. Box 14100, Las Vegas, Nevada 89114, Telephone: 702/295-0991.

Purpose of the Group: To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the off-site population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

#### Tentative Agenda

February 16, 1984:

- Welcome and introductions
- DAAG recommendations
- Population dose estimates resulting from external component of fallout exposures
- Uncertainty of human ingestion model and update of PATHWAY validation studies
- Uncertainty in the estimates of

organ doses resulting from the ingestion and inhalation of fallout particles

- Progress in development of the Individual Dose Assessment model
- Analysis of the NANCY fallout pattern
- Status of data bases containing historical environmental measurements
- Status of population data base
- Update on CIC activities
- Report on efforts to collect cloud tracking data for 1950's
- Update on EML activities
- Quality assurance plan for radiochemical analysis of Phase II soil samples
- General discussion and comment
- Public comment (10 minute rule)

February 17, 1984:

- Time scale for completion of project, publishing reports, etc.
- Results of Lifestyle survey to 11 counties
- Reports on milk distribution studies in Nevada, Utah, and neighboring states
- Update on "Hot Spot" report
- Report on plutonium isotopic ratios
- Progress report on meteorological modeling
- Budget projection for ORERP wrap-up
- Special announcements and other business
- General discussion and comment
- Public comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page, Jr., at the address or telephone number listed above.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on January 26, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-2586 Filed 1-30-84; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. TA84-1-20-002]

### Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule S-IS

January 25, 1984.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on January 18, 1984 tendered for filing Fourth Revised Sheet No. 213 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Fourth Revised Sheet No. 213 is being filed to reflect in Algonquin Gas' Rate Schedule S-IS an increase in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedule ISS-III Withdrawal Charge.

Algonquin Gas request that the Commission accept such tariff sheet to be effective February 1, 1984, to coincide with the proposed effective date of Texas Eastern's ISS-III rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before February 1, 1984. Protest will be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2626 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-172-000, Docket Nos. CP84-178-000 and CP84-178-001]

### ANR Pipeline Co. and Columbia Gas Transmission Corp.; Requests Under Blanket Authorization

January 25, 1984.

Take notice that on January 4, 1984, as supplemented on January 23, 1984, and January 24, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-172-000, and on January 6, 1984, as amended January 18, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston,

West Virginia 25314, filed in Docket Nos. CP84-178-000 and CP84-178-001, requests pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that ANR and Columbia propose to transport natural gas on behalf of Bethlehem Steel Company (Bethlehem) under the authorizations issued in Docket No. CP82-480-000 and Docket No. CP83-76-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully described in the requests on file with the Commission and open to public inspection.

ANR and Columbia propose to transport up to 30,000 dt equivalent of natural gas per day for Bethlehem for a term ending June 30, 1985, and one year, respectively. It is stated that the gas to be transported would be purchased from Caliche Pipeline Company (Caliche) by Bethlehem and would be used primarily for boiler fuel and to reheat furnaces in Bethlehem's plant in Sparrows Point, Maryland.

It is explained that ANR would receive quantities of gas at proposed points of interconnection of the pipeline systems of ANR and Caliche in Beckham, Caddo, Custer, Harper, Roger Mills, and/or Washita Counties, Oklahoma, and would deliver equivalent volumes to Columbia at an existing point of interconnection of the pipelines of Columbia and ANR in Paulding County, Ohio. Columbia then would redeliver these volumes to Baltimore Gas & Electric Company for ultimate delivery to Bethlehem at Sparrows Point, Maryland.

ANR states that in order to provide Bethlehem with a sufficient amount of gas Caliche has entered into an agreement with ANR Production Company, whereby Caliche, as buyer, shall purchase additional gas, up to 30,000 dt from ANR Production Company to supplement its gas supply to Bethlehem. It is stated that these volumes have been released on a short-term basis by Oklahoma Natural Gas Company and are subject to the ceiling price provisions of Section 105 of the Natural Gas Policy Act of 1978. It is further stated that the volumes tendered by Caliche to ANR for transportation on behalf of Bethlehem are neither released or previously dedicated volumes of natural gas.

For this transportation, it is stated that ANR would receive 49.8 cents per dt equivalent for all gas delivered by ANR to Columbia for Bethlehem's account which ANR receives from Caliche at receipt points identified as numbers 1 through 11 inclusive, and 15 and 16 and would receive 51.7 cents per dt equivalent for all gas delivered to

Columbia which ANR receives from Caliche at receipt points identified as numbers 12 through 14 inclusive. Further, it is stated that for quantities received at receipt point number 9, ANR would receive a compression fee of 5.0 cents per dt for all gas delivered to Columbia for Bethlehem's account. Additionally, ANR would receive 2.0 cents per dt as a metering charge for all gas delivered to Columbia for Bethlehem's account at the Paulding delivery point, it is explained.

Also, for this transportation, it is stated that Columbia would charge Bethlehem its average system-wide storage and transmission costs, exclusive of company-use and unaccounted-for gas, currently 40.11 cents per dt. In addition, Columbia states that it would retain a percentage of the gas delivered for company-use and unaccounted-for gas, which percentage is currently 2.85 percent.

It is indicated that the gas proposed to be transported hereunder has been flowing since September 1, 1983, pursuant to Section 284.202 of the Commission's Regulations and that since November 4, 1983, the transportation is pursuant to Section 157.209 of the Regulations.

The proceedings in the subject dockets are not consolidated.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant requests shall be treated as applications for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 84-2627 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-187-000]

**Columbia Gas Transmission Corp. and  
Columbia Gulf Transmission Co.;  
Request Under Blanket Authorization**

January 26, 1984.

Take notice that on January 10, 1984, Columbia Gas Transmission

Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325-1273, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP84-187-000 an application pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that they propose to transport natural gas for United States Steel Corporation (US Steel) under authorizations issued in Docket Nos. CP83-76-000 and CP83-496-000 respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia Gas and Columbia Gulf state that Columbia Gulf proposes to transport up to a maximum of 35,000 Mcf of natural gas per day for US Steel from an interconnection with Natural Gas Pipeline Company of America (Natural) near Pecan Lake, Cameron Parish, Louisiana, to an interconnection with Columbia Gas which in turn would transport such gas to an interconnection with Columbia Gas of Ohio, Inc. near Lorain, Ohio, and Haverhill, Ohio, for delivery to US Steel. Columbia Gulf and Columbia Gas indicate the gas to be purchased by US Steel involves gas supplies released by Columbia Gas and that such supplies are subject to the ceiling price provisions of Sections 102 and 103 of the Natural Gas Policy Act of 1978. For the proposed transportation service, it is stated that Columbia Gulf would charge its average system-wide unit onshore current rate<sup>1</sup> of 26.19 cents per dt equivalent and that Columbia Gas would charge its average systemwide current storage and transportation rate of 40.11 cents per dt equivalent. In addition, Columbia Gulf and Columbia Gas would retain for company use and unaccounted-for gas volumes of 2.58 percent and 2.85 percent of the quantity of gas delivered into their systems for transportation.

Applicants state the transportation service was commenced August 8, 1983, pursuant to 18 CFR 284.202. Further, it is indicated that the instant transportation service, commenced under a self-implementing basis pursuant to Section 157.209 would expire upon termination of 120 days duration on February 29, 1984. Applicants' current agreement for the transportation of gas for US Steel terminates August 8, 1984, it is explained.

Any person or the Commission's staff may, within 45 days after issuance of

<sup>1</sup> Columbia Gulf's current offshore transportation charge is 44.63 cents per dt, it is explained.

the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2632 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-199-000]

**Columbia Gas Transmission Corp.;  
Request Under Blanket Authorization**

January 25, 1984.

Take notice that on January 18, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed on Docket No. CP84-199-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposed to transport natural gas on behalf of Mt. Savage Refractories, Inc., (Mt. Savage) under authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 6 billion Btu of natural gas per day for Mt. Savage for a term of one year. Columbia states that the gas to be transported would be purchased from Energy Production Co., by Mt. Savage, and that Mt. Savage would use those volumes in Allied Tunnel Kiln, an equipment end use in its Mt. Savage, Maryland, plant. Columbia states that it would receive the gas at existing delivery points on its system in Pennsylvania, and redeliver such gas to Columbia Gas of Maryland, Inc., the distribution company serving Mt. Savage. Columbia states that the gas to be purchased by Mt. Savage involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of Sections 103 of the Natural Gas Policy Act of 1978.

Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2628 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-219-000]

**Consolidated Edison Company of New York, Inc.; Filing**

January 26, 1984.

The filing Company submits the following:

Take notice that on January 20, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing as an initial rate schedule an agreement to provide transmission service to the Power Authority of the State of New York (Authority). The agreement, dated October 21, 1983, provides for a transmission charge of \$0.84 per kilowatt for firm transmission of power and energy sold by the Authority to Grumman Corporation.

Con Edison requests an effective date of October 1, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of this filing has been served upon the Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2637 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-175-000]

**Crown Zellerbach Corp.; Petition and Application**

January 25, 1984.

Take notice that on January 5, 1984, Crown Zellerbach Corporation (Applicant), One Bush Street, San Francisco, California 94104, filed in Docket No. CP84-175-000 a petition pursuant to § 385.207(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 385.207(a)(2)) for a declaratory order removing uncertainty concerning the application of Section 7(c) of the Natural Gas Act to the construction of tap facilities on Applicant's existing, certificated interstate pipeline to connect with an interstate gas transmission company as a new source of supply when Applicant's total receipt of gas does not exceed the maximum volume specified in the Commission's order issued December 10, 1979, in Docket No. CP73-322. If Applicant does not receive the requested declaratory order, Applicant, in the alternative, requests a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the construction and operation of tap facilities to enable receipt of off-system sales of natural gas from Southern Natural Gas Company (Southern). The proposals are more fully set forth in the application and petition which are on file with the Commission and open to public inspection.

Specifically, pursuant to a gas sales agreement dated September 20, 1983, as amended October 27, 1983, Applicant proposes to purchase from Southern on

a best-efforts interruptible basis up to 10,000 Mcf of natural gas per day to be delivered in Marion County, Mississippi. The proposed sales agreement is for a primary term of one year and would continue in effect through the end of the month in which the primary term ends and for successive periods of one month until canceled by Applicant or Southern, it is explained.

Applicant proposes to pay Southern at an initial rate of \$3.92405 per Mcf to be redetermined periodically to reflect changes in Southern's Rate Schedule OCD-1 when calculated at a 100-percent load factor, but would never be less than the higher of Southern's system average load factor rate or its average gas acquisition cost under Section 102 of the Natural Gas Policy Act of 1978.

Applicant estimates the cost of the proposed facilities to be \$850.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before February 13, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary*

[FR Doc. 84-2629 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-215-000]

**Duke Power Co.; Filing**

January 26, 1984.

The filing Company submits the following:

Take notice that on January 18, 1984, Duke Power Company (Duke) tendered for filing a contract between Duke and Yadkin, Inc. Duke states that that contract, including Service Schedules A, B, C and E, supersedes the prior contract on file with the Commission and contains proposed changes in its rates for power and energy. Duke further states that the most significant change is in Service Schedule C, which now provides for interruptible rates with no demand charge for off-peak sales. Based on a 12-month period ending December 31, 1984, Duke estimates that the proposed change in rates will decrease annual revenues to Duke from Yadkin by approximately \$5 million.

Duke requests an effective date of October 17, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served on the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary*

[FR Doc. 84-2638 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA84-1-000]

**Golden Eagle Refining Company, Inc.; Filing of Petition**

January 26, 1984.

Take notice that Golden Eagle Refining Company, Inc., on November 23, 1983, filed a Petition for Review under 42 U.S.C. section 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before February 10, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before February 10, 1984, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

**Kenneth F. Plumb,**  
*Secretary*

[FR Doc. 84-2633 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-218-000]

**Gulf Power Comp.; Filing**

January 26, 1984.

The filing Company submits the following:

Take notice that on January 20, 1984, Gulf Power Company (Gulf) tendered for filing a Wholesale Electric Service

Contract and supplements to its EPC Electric Tariffs providing for a new delivery point for service by Gulf to the City of Blountstown (Calhoun County), located in Florida.

Gulf requests an effective date of June 4, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2639 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-1-217-000]

**Iowa-Illinois Gas and Electric Co.;  
Filing**

January 26, 1984.

The filing Company submits the following:

Take notice that on January 19, 1984, Iowa-Illinois Gas and Electric (Company) tendered for filing Participation Power Transaction No. 3, under an Interchange Agreement of November 15, 1971, as supplemented and amended, with the City of Geneseo, Illinois (City). Said Transaction is dated January 11, 1984, and is proposed to become effective February 1, 1984, for a period of two years. Accordingly, a waiver of the notice requirements is requested.

Company states Service Schedule K of said Interchange Agreement provides that transactions for participation power may be negotiated by the parties for each transaction and attached thereto. Company further states that said Transaction No. 3, provides for the sale of 3 MW to City from Company's share of Ottumwa Unit 1 and Louisa Generating Station Unit 1, utilizing weighted cost-based rates related to the participating units, and provides for substitute energy, at Company's option, and establishes rates therefore. It is

stated that no new or additional facilities are required to effectuate the transaction.

According to the Company, copies of the filing have been mailed to the City and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 1984. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2640 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. EC84-7-000]

**Louisville Gas and Electric Co.;  
Application**

January 26, 1984.

Take notice that on December 9, 1983, Louisville Gas and Electric Company (LG&E) filed an Application pursuant to Section 203 of the Federal Power Act seeking authority to sell to East Kentucky Power Cooperative (East Kentucky) a transmission circuit line.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 8, 1984. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2641 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA84-1-26-003]

**Natural Gas Pipeline Company of  
America; Change in Rates**

January 26, 1984.

Take notice that on January 20, 1984, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, below listed tariff sheets to be effective March 1, 1984.

Fifty-fourth Revised Sheet No. 5  
Ninth Revised Sheet No. 5C  
Ninth Revised Sheet No. 5D  
Thirteenth Revised Sheet No. 119  
Tenth Revised Sheet No. 120  
Eleventh Revised Sheet No. 120A

Natural states the purpose of the filing is to reflect rate adjustments under the PGA and incremental pricing sections of its tariff together with an adjustment in compliance with the Commission order issued October 4, 1983, in Docket No. RP79-28 (Marine Construction Antitrust Litigation). In addition Natural is seeking to implement changes to Section 18 of the General terms and Conditions of its tariff dealing with the computation of the unit adjustment for pipeline and producer supplier cost changes.

The overall effect of the filed for adjustment is to decrease Natural's DMQ-1 commodity rate by 22.90¢ and to decrease the DMQ-1 demand rate by \$.01. Appropriate adjustments were also made to Natural's other sales rate schedules. These adjustments reflect an annualized revenue decrease due to lower gas costs of \$102.2 million. This decrease is coupled with a decrease in the deferred account recovery rate and the Marine Litigation adjustment. The effect of these rate decreases over the next six month deferred account recovery period is a net revenue decrease of \$83.0 million. This net revenue decrease is comprised of a \$42.5 million decrease due to lower gas costs and a \$40.4 million decrease due to the reduction in the deferred account recovery rate. The effect of the Marine Litigation adjustment was \$.1 million over the six month period.

Sheets Nos. 5C and 5D reflect no projected incremental pricing surcharges (MSAC) for the six month period beginning March 1, 1984.

Natural requests any additional waivers of the Commission's regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1984.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before February 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 84-2634 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. QF84-129-000]

**Natural Power, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

January 27, 1984.

On January 12, 1984, Natural Power, Inc., 3000 Greshams Lake Road, Raleigh, North Carolina 27609, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

Natural Power, Incorporated's Rowland facility is a small power production biomass facility powered by landfill gas. Two Cat. 63306 internal combustion engines will drive one 85 KW generator each for a total capacity of 170 KW. Plant capacity may be expanded to as much as 600 KW in the future.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 84-2646 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP77-363-008]

**National Fuel Gas Supply Corp. and Gas Transmission Corp.; Petition To Amend**

January 27, 1984.

Take notice that on January 11, 1984, National Fuel Gas Supply Corporation (National Fuel), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP77-363-008 a petition pursuant to Section 7(c) of the Natural Gas Act to amend the order issued November 17, 1983, in Docket Nos. CP77-363-006, *et al.*, to authorize the addition and deletion of receipt points in Forest County, Pennsylvania, and to perform the transportation service it provides for UGI Corporation, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

National Fuel seeks authorization for such changes in receipt points to continue to transport, on an interruptible basis, up to 5,000 Mcf of natural gas per day on behalf of UGI Corporation. National Fuel proposes to report such changes in receipt points on an annual basis.

National Fuel asserts that the proposed modification would permit it to respond promptly to changes in operating conditions without the delays involved with continuously filing for authorization to add or delete receipt points. National Fuel adds that the proposal would also eliminate the Commission's administrative burden related to the processing of each individual application.

Columbis Gas Transmission Corporation, a joint applicant in the original proceeding, states that it has no objection to National Fuel's proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Feb. 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural

Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 84-2645 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-214-000]

**Northern States Power Co.; Filing**

January 26, 1984.

Take notice that on January 18, 1984, Northern States Power Company (NSP) tendered for filing the Interconnection & Interchange Agreement (Leland Olds to Logan 230 kV Transmission Line Project and Logan to Mallard 115 kV Transmission Line Project Among NSP, Montana-Dakota Utilities Co. and Basin Electric Power Cooperative) (Interconnection Agreement).

NSP states that the Interconnection Agreement replaces the Interconnection and Interchange Agreement between NSP, Basin Electric and Montana-Dakota Utilities dated June 18, 1982, identified as Northern States Power Company Rate Schedule FERC No. 418. The Interconnection Agreement also replaces the Interchange and Interconnection Agreement dated March 1, 1978, between NSP and Basin Electric, designated as Northern States Power Company Rate Schedule FERC No. 405.

NSP further states that the Interconnection Agreement consolidates previous agreements and provides for interconnecting facilities of the parties at 115 kV and 230 kV at Basin's Logan Substation and at 230 kV at Survey Station 2962 on the line from Leland Olds to Logan, North Dakota.

NSP requests an effective date of March 20, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 1984.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-2635 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. QF84-116-000]

**Pioneer Hydropower, Inc.—Ware Upper Dam; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

January 27, 1984.

On December 22, 1983, Pioneer Hydropower, Inc. of 148 State Street, Boston, Massachusetts 02109 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 950 kW hydroelectric facility is located on the Ware River in Ware, Massachusetts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 14 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding

siting, construction, operation, licensing and pollution abatement.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2247 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. QF84-114-000]

**Pioneer Hydropower, Inc.—Ware Lower Dam; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

January 27, 1984.

On December 21, 1983, Pioneer Hydropower, Inc. of 148 State Street, Boston, Massachusetts 02109 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 250 kW hydroelectric facility is located on the Ware River in Ware, Massachusetts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2046 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. QF84-126-000]

**Reynolds Irrigation District; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

January 27, 1984.

On January 4, 1984, Reynolds, Irrigation District of 750 Warm Springs Avenue, Boise, Idaho 83712 submitted for filing an application for certification of a facility as a qualifying facility small power production pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 270 kW hydroelectric facility will be located on the north side of the Snake River at the Walters Ferry Bridge which is south of Nampa, Idaho.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2649 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ID-2091-000]

**Robert R. Fortune; Application**

January 26, 1984

The filing individual submits the following:

Take notice that on January 18, 1984, Robert R. Fortune filed an application for an order that the noted interlock is not jurisdictional or for an order pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Pennsylvania Power & Light Company  
Director—Prudential-Bache Tax-Managed Utility Fund, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.314). All such motions or protests should be filed on or before February 15, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2643 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2090-000]

**Robert J. Schultz; Application**

January 26, 1984.

The filing individual submits the following:

Take notice that on January 18, 1984, Robert J. Schultz filed an application for an order that the noted interlock is not jurisdictional or for an order pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Commonwealth Edison Company  
Director—Money Mart Assets Inc.  
Director—Prudential-Bache Tax-Managed Utility Fund, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.314). All such motions or protests should be filed on or before February 15, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2642 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-49-000]

**San Diego State University;  
Application for Commission  
Certification of Qualifying Status of a  
Cogeneration Facility**

January 27, 1984.

On November 16, 1983, San Diego State University of Zura Hall, East Residence Hall Complex, San Diego, California 92182 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at the San Diego State University. The primary energy source is natural gas. The thermal output is used to generate hot water for space heating and domestic hot water. The power production capacity is 292 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2650 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-573-000]

**Southwestern Public Service Co.;  
Refund Report**

January 26, 1984.

Take notice that on December 19, 1984, Southwestern Public Service Company (Southwestern) submitted for filing its Refund Report pursuant to a Commission Letter Order dated November 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 6, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2644 Filed 1-40-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-115-000]

**Swift River Company, Inc.—Collins  
Dam, Application for Commission  
Certification of Qualifying Status of a  
Small Power Production Facility**

January 27, 1984.

On December 22, 1983, Swift River Company, Inc. of 148 State Street, Boston, Massachusetts 02109 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1,500 kW hydroelectric facility is located on the Chicopee River in Wilbraham and Ludlow, Massachusetts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-2651 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-117-000]

**Swift River Company, Inc.—Chicopee Falls Dam; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

January 27, 1984.

On December 22, 1983, Swift River Company, Inc. of 148 State Street, Boston, Massachusetts 02109 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 2,000 kW hydroelectric facility is located on the Chicopee River in Chicopee Massachusetts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves

only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-2652 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF48-78-000]

**Swift River Company, Inc., Sebec Hydro Company; Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

January 27, 1984.

On December 5, 1983, Sebec Hydro Company, (Applicant), Inc., 44 Exchange Street, Portland, Maine 04101, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The hydroelectric small power production facility is known as the Sebec Lake Outlet Dam located in Sebec Village, Maine. The electric power production capacity of the facility is 720 kilowatts. Applicant is leasing an existing dam from Bangor Hydroelectric Company, improving the site and constructing the power house.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits

provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-2653 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-180-000]

**Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Application**

January 27, 1984.

Take notice that on January 6, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-180-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain inactive gas pipeline facilities in offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Tennessee proposes to abandon by sale to Conoco, Inc. (Conoco), 7.95 miles of 12¾-inch pipeline No. 526A-300 extending from the West Delta (WD) Block 58A platform to the WD 54 Tank Battery #3 (WD58A Line) and abandon in place 1.73 miles of 12-inch pipeline No. 526A-300 located between Block WD58A platform and Block WD 59A platform (WD59A Line), both in offshore Louisiana. Tennessee states it would sell its WD58A Line to Conoco, the producer, for \$100,000, for the transportation of low-pressure liquids.

Tennessee states that all production from WD58A and WD59A platforms has ceased, the wells have been plugged and no resumption of old production is planned or anticipated.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2854 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP84-173-000]

**Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Request Under Blanket Authorization**

January 26, 1984.

Take notice that on January 4, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-173-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Tennessee proposes to transport natural gas for an end-user under the authorization granted in Docket No. CP82-413-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee proposes to transport up to 50,000 Mcf of natural gas per day, pursuant to the terms of a transportation agreement dated November 4, 1983, that is purchased by United States Steel (U.S. Steel) from Delhi Gas Pipeline Corporation (Delhi) which would deliver the gas to the Ozark Gas Transmission

System (Ozark) for the account of Tennessee. Tennessee states that it would use its capacity entitlement in Ozark to transport the gas for delivery to Natural Gas Pipeline Company of America (Natural) at an existing point of interconnection in White County, Arkansas, for further transportation. It is indicated that the gas would be used by U.S. Steel in its Lorain and Haverhill Plants in Ohio and in the Fairless Plant in Pennsylvania.

Tennessee proposes to charge U.S. Steel 35.0 cents per Mcf comprised of Ozark's commodity charge of 29.12 cents and 5.88 cents demand component plus an added incentive charge of 2.5 cents per million Btu of the gas delivered by Tennessee for the account of U.S. Steel.

Tennessee requests the Commission waive § 284.103(b) of its Regulations and Article 3.2 of Tennessee's Rate Schedule ITEU in order to permit Tennessee to charge a volume charge. Tennessee proposes to retain the 29.12 cents per Mcf to recover the commodity charge attributable to Ozark and Tennessee states that this amount represents its out-of-pocket expense in rendering the proposed transportation expense. Tennessee would credit the 5.88 cents per Mcf remaining transportation cost to its Account No. 191, it is indicated.

Tennessee states that no new pipeline facilities are required and that it commenced the transportation service pursuant to § 157.209(e)(1) on November 4, 1983, and would continue the service until October 31, 1984.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2856 Filed 1-30-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP78-328-004]

**Transcontinental Gas Pipe Line Corp.; Petition To Amend**

January 27, 1984.

Take notice that on January 10, 1984, Transcontinental Gas Pipe Line Corporation (Petitioner), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP78-328-004 a petition to amend the order issued in Docket No. CP78-328-000, *et al.*, on August 8, 1978, as amended on January 22, 1980, so as to authorize an increase maximum delivery obligation at a delivery point under a transportation service for Consolidated Gas Supply Corporation (Consolidated), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states it is presently providing firm and interruptible transportation services for Consolidated from sixteen points on Petitioner's system, onshore and offshore Louisiana, to a redelivery point on Consolidated's system at Leidy, Clinton County, Pennsylvania. One of the points of delivery to Petitioner for firm transportation is the point of interconnection of Petitioner's Southwest Louisiana Gathering System and the tailgate of U-T Offshore System's Johnson's Bayou Plant in Cameron Parish, Louisiana (U-TOS delivery point), where the maximum delivery obligation is presently 55,000 dekatherms (dt) equivalent of gas per day, it is asserted.

Petitioner states that Consolidated desires that the maximum delivery obligation at the U-TOS delivery point be increased from 55,000 dt per day to 70,000 dt per day and requests that its certificate be amended accordingly. It is asserted that the requested increase at the U-TOS delivery point would not affect the aggregate firm long-haul transportation demand volume. No other changes to present authorization is sought.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2655 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-440-003]

**Transcontinental Gas Pipe Line Corp.;  
Proposed Change in FERC Gas Tariff**

January 25, 1984.

Take notice that on January 13, 1984, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

First Revised Sheet Nos. 2279 through 2283 and Original Sheet Nos. 2283-A and 2283-B.

Transco states that subject filing reflects a revision of its Rate Schedule X-231, which is a transportation agreement with Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), dated April 21, 1980, as amended February 15, 1983, and initially authorized by the Commission in a certificate issued in Transco, Docket No. CP80-440 on November 6, 1980. In the amendatory agreement dated February 15, 1983, Transco and Tennessee agreed to revise their transportation arrangement to increase the contract quantity from 12,000 to 20,000 Mcf per day, include an additional point of delivery by Tennessee to Transco on Transco's Southeast Louisiana Gathering System in Township 19 South, Range 16 East, Terrebonne Parish, Louisiana, and to include provisions related to redelivery gas pressures and charges for transportation of liquefiables, if any. On April 6, 1983, Transco filed its petition to amend certificate to obtain authorization for the aforementioned changes, and the February 15, 1983 amendatory agreement was included therein as Amended Exhibit P. On June 30, 1983, the Commission issued an order amending order authorizing the changes. A copy of the instant filing has been served upon Tennessee.

The tariff sheets are proposed to become effective June 30, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 31, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 84-2630 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-174-000]

**Western Gas Interstate Co.;  
Application**

January 27, 1984.

Take notice that on January 4, 1984, Western Gas Interstate Company (Western), 900 United Bank Tower, 400 West 15th Street, Austin, Texas 78701, filed in Docket No. CP84-174-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Western states that during a recent overall assessment of the operating condition of its Northern Division, two segments of the transmission facilities were identified as showing significant deterioration. It is further stated that those segments require immediate replacement.

Western indicates that one of the segments is currently suspended under an aging bridge which crosses the Beaver River in the State of Oklahoma and that the Beaver River consists of a dry riverbed, except during periods of substantial rainfall or run-off from snow. Western further indicates these facilities, which are part of Western's East Line, have deteriorated primarily due to the shifting and sagging of the bridge. Western states that the deterioration presents a potential hazard and the possibility of a disruption in service to the town of Beaver, Oklahoma. Western proposes to replace the current facilities with approximately 1,300 feet of 6-inch, 0.237-inch W.T. pipe, at an estimated cost of \$79,250. The new facilities would run under the riverbed, it is explained.

Western states that the second segment is part of its West Line that

runs through the town of Stratford, Texas. Western further states that approximately 1,300 feet of pipeline running under sidewalks in front of commercial establishments and through a residential area has deteriorated to the point where immediate replacement is required. Western proposes to replace the existing facilities with 8-inch, 0.250 W.T. pipe, at an estimated cost of \$38,700.

In both cases, Western indicates that it proposes to replace existing facilities with larger diameter pipe. Western states that, from a cost standpoint, such replacement would benefit those customers served in Beaver, Oklahoma, and Stratford, Texas. Western further states the difference in the cost of replacing current facilities with the larger diameter pipe and replacing them with the same diameter pipe is not significant.

Western proposes to finance the cost of the construction through internally generated funds on short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Western to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-2536 Filed 1-30-84; 8:45 am]

BILLING CODE 6717-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirements Submitted to Office of Management and Budget for Review

December 30, 1983.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. These are existing information collection requirements in use without OMB numbers. No changes are proposed.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on any of these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-7231.

Part or section No.	Title
Part 61	Tariffs.
Part 69	Access Charges.
Section 74.1281	Station records.
Section 76.12	Registration statement required.
Section 76.54	Significantly viewed signals; method to be followed for special showings.
Section 76.205	Origination cablecasts by candidates for public office.
Section 76.209	Fairness doctrine; personal attacks; political editorials.
Section 76.221	Sponsorship identification; list retention; related requirements.
Section 76.305	Records to be maintained locally by cable television system operators for public inspection.
Section 76.311	Equal employment opportunity.
Section 76.601	Performance tests.
Section 78.33	Special temporary authority.
Section 78.69	Station records.
Section 78.75	Equal employment opportunity.
Section 81.38(d)	Modification of license.
Section 81.74	Notice of involuntary discontinuance, reduction, or impairment of service.
Section 81.76	Cancellation of license.
Section 81.115	Retention and availability of radio station logs.
Section 81.193	Inspections and maintenance of lower markings and associated control equipment.
Section 81.223	Station documents.
Section 81.224	Station logs.
Section 81.313	Station documents.
Section 81.314	Station logs.
Section 81.352	Cooperative use of facilities.
Section 81.704	Alaska-public fixed station records.
Section 90.437	Posting of station license.
Section 90.443	Content of station records.
Section 90.477(b)	Interconnected systems.

Part or section No.	Title
Section 90.505	Developmental operation, showing required.
Section 90.517	Developmental operation—report of operation.
Section 90.607 (b)(1) and (c)(1)	Supplemental information to be furnished by applicants for facilities under this subpart.
Section 90.629(a)	Extended implementation schedules.
Section 90.633 (f) and (g)	Conventional system loading requirements (wide area systems).
Section 90.651	Supplemental reports required of licensees authorized under this subpart.
Section 94.17(d)	Cooperative use records.
Section 94.17(e)	Add-ons notification.
Section 94.25	Filing of applications.
Section 94.27(b)	Application and standard forms.
Section 94.31	Supplemental information.
Section 94.43	Special temporary authority.
Section 94.45	Modification of license.
Section 94.51	Time to construct.
Section 94.107	Posting of station authorization.
Section 94.113	Station records.
Section 97.82	Availability of operator license.
Section 97.83	Availability of station license.

William J. Tricarico,  
Secretary, Federal Communications Commission.

[FR Doc. 84-2525 Filed 1-30-84; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-742; Docket No. 20828; FCC 83-601]

### License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems; and American Telephone and Telegraph Co; Report on Services To Be Shared Between Fully Separated Subsidiary and Affiliated Companies and Associated Costing Methodology

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action terminates the License Contract Inquiry and concludes that the American Telephone and Telegraph Company's (AT&T) accounting systems, with certain modifications, provide reasonable assurance that administrative services and provided to the AT&T Information Systems on a cost compensatory basis.

This action is taken by the Commission because the principal subject of the License Contract Inquiry, the Bell System License Contract, will be terminated shortly and because other issues raised in the Inquiry are being addressed in other Commission proceedings.

The action requires that AT&T make certain modifications in its accounting systems and report back to the Commission on those modifications within 60 days of the release date of the Report and Order.

FOR FURTHER INFORMATION CONTACT: Pat McQuie Nagle, Common Carrier Bureau, (202) 632-4887.

### Report and Order

In the matter of License Contract Agreements and other Intrasystem Arrangements of the Major Telephone Systems (CC Docket No. 80-742), and in the matter of American Telephone and Telegraph Company: Report on Services to be Shared Between Fully Separated Subsidiary and Affiliated Companies and Associated Costing Methodology (Docket No. 20228).

Adopted: December 22, 1983.

Released: January 16, 1984.

By the Commission: Commissioner Patrick not participating.

### I. Introduction

1. In this Order we consider two separate but related proceedings concerned with the provision of services by the major telephone companies to their affiliates.

2. We first consider the status of our inquiry into the license contract agreements, and other intrasystem arrangements utilized by the American Telephone and Telegraph Company (AT&T), General Telephone and Electronics Corp. (GTE), United Telecommunications, Inc. (United) and Continental Telephone Corp. (Continental). *License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems, (License Contract Inquiry)*, 84 FCC 2d 259 (1981). Under these agreements, a designated organization within each telephone system provides some services for all affiliates of the system. The *License Contract Inquiry* sought methods to ensure that carriers would incur only reasonable expenses, and that these expenses would be properly allocated between monopoly and competitive operations. We sought comment on the funding formulae, allocation of costs, methods of separating basic research from applied research, and impact of these agreements on competitive markets.

3. We next consider the impact of the *Modified Final Judgment (MFJ)*<sup>1</sup> and the *Computer II Inquiry*<sup>2</sup> on AT&T's

<sup>1</sup> United States v. AT&T, 52 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 103 S. Ct. 1240 (1983).

<sup>2</sup> Amendment of Section 64.702 of the Commission's Rules and Regulations (Computer II), 77 FCC 2d 384 (1980) (Final Decision), *reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, 88 FCC 2d 512 (1981), *aff'd sub nom. Computer & Communications Industry Ass'n v. FCC*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 103 S. Ct. 2103 (1983).

provision of administrative services to its affiliates. In the *Further Reconsideration in the Second Computer Inquiry (Computer II)*, we required that AT&T file a description of those administrative services which it planned to provide to AT&T Information Systems (ATTIS) its separate subsidiary formed to provide enhanced services and customer premises equipment. We also requested AT&T to include with this description an explanation as to how the costs of such services were to be allocated to the subsidiary. *Further Reconsideration* at 548-549. In response AT&T filed a *Report on Services to be Shared Between Fully Separated Subsidiary and Affiliated Companies and Associated Costing Methodology (Report)*.

4. The Commission considered and acted upon AT&T's *Report* in two subsequent orders, the *General Departments Order*, 90 FCC 2d 184 (1982) and the *Shared Services Order*, 92 FCC 2d 676 (1983), reconsideration granted in part, FCC 83-355, released July 29, 1983. These *Orders* define the extent of services which may be provided to AT&T Information Systems by AT&T and its affiliates. The *Orders* also establish certain accounting and reporting requirements on the part of AT&T and direct the Commission staff to monitor and report to the Commission concerning the effectiveness of the accounting system AT&T developed to account for the expenses of administrative services provided to ATTIS.

5. We conclude herein that the issues raised in the *License Contract Inquiry* have been, or will be, more appropriately addressed in other proceedings. In the interests of regulatory efficiency, and to avoid undue burdens to carriers, therefore, we terminate the *License Contract Inquiry*. We also review the attached Staff Report on Shared Administrative Services and adopt its findings and recommendations. We conclude that AT&T has provided services to ATTIS in a manner consistent with our decisions and that, with certain modification, AT&T's accounting system provides a reasonable method of accounting for the costs of those services. We further recognize that changes in AT&T's corporate structure will require modifications to its previously filed *Report* concerning services to be provided ATTIS and we direct AT&T to file a supplement to the *Report*.

## II. License Contract Inquiry

6. In the Notice of Inquiry initiating the *License Contract* proceeding we

discussed at length the License Contract agreements between AT&T and the Bell Operating Companies (BOCs), and the similar agreements which exist between AT&T and AT&T's Long Lines Departments. We noted that the Bell System license contract expenditures "dwarf" those of other integrated telephone companies. Under the Bell System License Contract agreements, AT&T's General Departments provide advisory, supervisory and technical services to the BOCs. More specifically, the General Departments have provided the BOCs and Long Lines with (1) the right to use equipment under patents owned or controlled by AT&T and protection by AT&T against suits; (2) fundamental research and systems engineering (R&SE); and (3) financial, legal and technical advice and assistance, as well as other administrative services. Expenses incurred by AT&T in providing these license contract services are charged to the BOCs based on annual cost studies. Under the License Contract, charges to a BOC must not exceed a fixed percentage of that BOC's revenues. AT&T Long Lines has traditionally received the same services and is billed under the same annual cost studies.

7. The *License Contract Inquiry* is no longer the appropriate proceeding in which to review the contractual relationships between the General Departments and AT&T affiliates. The MFJ entered into by AT&T and the Department of Justice calls for "termination of the License Contracts between AT&T and the BOCs and other subsidiaries . . ." MFJ § I(A)(3). In the *Plan of Reorganization (POR)* filed with the Court on Dec. 16, 1982 by AT&T and approved by the court on August 5, 1983, AT&T stated that the License Contract would be terminated as of the date of divestiture, January 1, 1984, by means of termination agreements between the BOCs and AT&T. AT&T reports that work on agreements to terminate the License Contract, the Standard Supply Contract and the Cost Sharing Agreement is expected to be complete by the fourth quarter of 1983. See September 30, 1983 letter from Frank C. Minter, Assistant Comptroller, AT&T to the Chief, Common Carrier Bureau. We will review the scope of these successor agreements and take appropriate action in their regard as necessary. Furthermore, in our implementation of Computer II we are addressing AT&T's methods of accounting for the costs of administrative services and research incurred by the General Departments and Bell Labs on behalf of ATTIS.

8. As discussed below, the *License Contract Inquiry* also was to determine whether procedures adopted with respect to the Bell System License Contract arrangements should apply to similar arrangements within GTE, United and Continental. With the termination of the AT&T License Contracts, the *License Contract Inquiry* no longer appears to provide a useful forum for consideration of the intercorporate arrangements of the other companies (See below at paras. 13 through 16.)

9. When the BOCs are divested on January 1, 1984, the General Departments and associated accounting procedures will undergo substantial changes. At paragraph 32 we have instructed the staff to continue monitoring the General Departments accounting for administrative services to ensure that ratepayers are not billed for expenses that should be attributed to unregulated affiliates. In the process of monitoring those billings, the staff will review the classifications of, and billings for, all Bell Labs research and development. Finally, we have recently directed the Regional Bell Operating Companies to file with the Commission a report describing in detail the planned operations and support functions to be provided by the Central Service Organization to the BOCs and, if such are planned, to ATTIS.<sup>3</sup>

## Monitoring Administrative Services and Fundamental research

10. As noted above we have established limits on service when AT&T may provide to ATTIS, and directed the staff to monitor AT&T's implementation of the new expense accounting system.

11. The Staff Report on Shared Administrative Services (Staff Report) is attached to this *Order*. Based on this report, we conclude below that the General Departments' new accounting system adequately identifies the expenses of administrative service expenses which benefit ATTIS. With the introduction of certain modifications to the General Departments' accounting system, we are satisfied that AT&T's charges to ATTIS for these administrative services will be reasonable. In a November 16, 1983, letter from William R. Stamp to the Chief of the Common Carrier Bureau, AT&T describes changes in its corporate structure that will occur on January 1,

<sup>3</sup> Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies, FCC 83-552, released December 30, 1983.

1984. The General Departments will be replaced by a smaller Corporate Headquarters organization. AT&T states in its letter that all costs associated with this organization will be charged to AT&T affiliates using procedures "similar or identical to procedures the Commission has approved in the course of the CI-II decisions."

12. Under § 64.702(c)(4) of the Commission's Rules, ATTIS may engage in joint research and development efforts with its AT&T affiliates. AT&T however, chose to transfer to ATTIS all Bell Telephones Laboratories, Inc. (Bell Labs) employees engaged in enhanced services and CPE research and development. This greatly reduces the potential for misassignment of joint research and development expenses. In a companion item, the Commission has reviewed AT&T's allocation of fundamental research expenses to ATTIS. *Allocation of Fundamental Research Expenses*, ENF 83-14, adopted December 22, 1983. Therein, we adopt AT&T's proposal to bill post-divestiture fundamental research expenses based on a composite allocator. In addition, in that *Order* we have directed the staff to monitor AT&T's charges to ATTIS for such research.<sup>4</sup>

#### Independent Telephone Companies

13. In the *License Contract Inquiry*, we recognized that GTE, United, and Continental had service agreements that were comparable to the Bell System License Contract. Under the agreements used by these carriers, services such as legal, management and accounting assistance are provided centrally, costs are allocated to affiliated operating companies, and the allocated costs become part of each affiliated operating company's revenue requirement. We noted however that there were significant differences between the agreements of the independents and the

Bell System License Contract. For example, AT&T's License Contract expenses are far greater than the corresponding expenses of the independent telephone companies. In addition, the independent telephone companies do not fund research and systems engineering through these agreements.

14. The scope of the *License Contract Inquiry* included the agreements of GTE, United, and Continental because of state and federal concerns over the increasing expense associated with the services provided under these contracts. *License Contract Inquiry* at para. 25. We noted, however, that our major focus would remain on the Bell System License Contract, and we sought comment on whether proposals affecting that agreement should be applied to independent telephone company agreements as well. *Id.*

15. More recently, we initiated a proceeding in order to address the appropriate regulatory treatment for embedded (regulated) customer premises equipment (CPE) owned by the independent telephone companies and to address the accounting by these companies for expenses associated with the provision of unregulated enhanced services and CPE.<sup>5</sup> In response to that Notice of Inquiry, several independent telephone companies, including GTE, United, and Continental, filed specific accounting proposals. We have recently adopted on *Order* in that proceeding permitting AT&T to transfer embedded CPE to ATTIS.<sup>6</sup> Therein we stated that in a subsequent action we would address accounting requirements for the independent companies in connection with their embedded CPE activities, the sale of CPE under regulation, and the valuation of CPE supporting assets transferred to unregulated activities.

16. In sum, as the preceding discussion indicates, there is no longer a reason for continuation of the *License Contract Inquiry*. The principal subject of the Inquiry, the Bell System License Contract, will be terminated shortly. We are addressing AT&T's administrative and research and development expenses in our review of AT&T's compliance with our Computer II rules and policies. Those proceedings are well suited for

the resolution of any concerns that arise from arrangements that succeed the License Contract. Similarly, the *License Contract Inquiry* is no longer useful or necessary for consideration of similar arrangements of the independent telephone companies. The independents were originally included as subjects of the inquiry in order to determine if procedures adopted for the Bell System License Contract would also be applicable to the independent telephone companies. Cost allocation for the independents is now being addressed in the *Implementation Proceeding*, and will be covered in the revised Uniform System of Accounts, which we plan to implement in 1986. We will decide in the course of those proceedings whether further action with respect to the independents is necessary.<sup>7</sup> Accordingly, we will terminate the *License Contract Inquiry*.

#### III. Staff Report on Shared Administrative Services

17. The attached Staff Report reviews AT&T's provision of administrative services to its subsidiary, ATTIS. The report describes services provided to ATTIS by the General Departments and Bell Labs and analyzes AT&T's system of identification and accounting for the costs of services supporting ATTIS. The General Departments, which functions as AT&T's corporate headquarters, provides AT&T and its affiliates with a wide variety of services. Bell Labs is the primary research and development organization within the Bell System and does not normally provide administrative services to other AT&T affiliates. We have authorized Bell Labs to temporarily provide physical space and transitional support services to ATTIS.

18. In our Computer II decisions we permitted AT&T to furnish ATTIS with accounting, auditing, legal, personnel recruitment and management services, financial, tax, insurance and pension services. *Reconsideration* at para. 102. AT&T is obligated to ensure that such services are provided only on a cost compensatory basis. As noted earlier, we subsequently reviewed and in large part approved more detailed plans submitted to AT&T describing services to be provided and the methods to be used in accounting for ATTIS' share of their costs. We further directed the staff to monitor AT&T's implementation of its new accounting system.

<sup>7</sup> The Revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies, 88 FCC 2d 83 (1981).

<sup>4</sup> We note that while we have permitted AT&T to distribute 1982-83 expenses for some administrative services by means of the composite allocator, we decline, in a companion item, to permit use of the composite for fundamental research expenses incurred during that same period. We do not regard these decisions as inconsistent. AT&T uses the composite allocator to distribute only those expenses for which no alternate allocator is clearly available. AT&T applies a more precise allocator whenever possible. For example, personnel and medical services are distributed through the employee allocator and banking services are distributed through the total capital allocator. See Appendix A, Table I. AT&T has also historically used a more precise allocator than the composite in distributing research costs. We patterned our requirement that fundamental research expenses for 1982-83 be distributed on the basis of non-fundamental research and systems engineering on AT&T's traditional method of allocating those expenses to the BOCs and to AT&T Communications.

<sup>5</sup> This proceeding was initiated through the release of a Notice of Inquiry on April 13, 1982. Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry) CC Docket No. 81-893, Notice of Inquiry, 89 FCC 2d 694 (1982) (hereinafter Notice of Inquiry).

<sup>6</sup> Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), Report and Order, FCC 83-551, released December 15, 1983 (hereinafter Implementation Proceeding).

19. Much of AT&T's administrative support to ATTIS is provided through the General Departments. Work in the General Departments is performed under both License Contract and non-License Contract agreements. Non-License Contract projects provide a direct product or service to participating companies, rather than the general advice and assistance provided under the License Contract. ATTIS is charged for its participation in non-License Contract projects by means of the same allocators and through the same accounting system used to charge other AT&T affiliates. AT&T, however, developed a new accounting system, the Activity Based Cost Billing System (ABBS), to ensure that ATTIS is charged its full share of the costs of License Contract services.

20. Bell Labs also provides administrative support to ATTIS. These services include tenant support services, such as medical and custodial services, in facilities which it shares with ATTIS pending completion of ATTIS' own research facility in December, 1985. Bell Labs also has provided training, education, employee recruitment and library services. The provision of many of these services has terminated or will shortly terminate. See Table III in the Appendix. Charges to ATTIS for such services are collected through Bell Labs' "case" system which establishes the authorization and billings for costs by charging the individual services to defined programs of work.

21. The staff has reviewed AT&T's compliance with our *Orders* and the accounting procedures AT&T has employed to ensure that ATTIS provides reasonable compensation for the services it receives from other AT&T affiliates. In doing so, the staff familiarized itself with the regular and special accounting systems in the General Departments and at Bell Labs, reviewed internal and external audits and accompanying workpapers and interviewed AT&T managers and directors of departments. The staff ascertained the criteria used to identify work as properly performed and billed to ATTIS, reviewed the computation of the bills submitted to ATTIS and verified that ATTIS paid those charges in a timely fashion.

22. The staff has concluded that AT&T's accounting systems, in general provide for proper reimbursement for the costs of services provided to ATTIS. There are, however, certain segments of the accounting process to which we direct AT&T's further attention. Those areas include procedures used by AT&T to identify work which benefits ATTIS,

procedures used to bill and ensure timely payment of bills by ATTIS and the calculation of allocators used in distributing expenses incurred for a service benefitting both ATTIS and other AT&T affiliates.

23. The staff concluded that all services benefitting ATTIS were properly identified at Bell Labs. Further, in the General Departments, License Contract services which benefit ATTIS as well as other affiliates are, with the exceptions noted in para. 24 below, also properly identified. AT&T's procedures for identification of License Contract services to be directly billed to ATTIS are less satisfactory. AT&T relies first, upon managerial decisions that work benefits ATTIS solely or primarily, and secondly, upon a complex system which requires that employees file exception time reports (ETRs) whenever they perform work outside their normal routines. Expenses are charged directly for projects which primarily benefit ATTIS and for work which employees perform under the ETR process. Few projects have been directly billed to ATTIS during the past year and managers appear to misinterpret the guidelines which AT&T issued regarding work to be directly charged to ATTIS. We have previously expressed our concern regarding direct billing to ATTIS and therefore we direct AT&T to obtain from its independent auditors, Coopers and Lybrand (Coopers), a further review of its system, including an examination of the ETR process, for purposes of determining whether AT&T's procedures have provided for all appropriate direct billing to ATTIS. On the basis of Coopers' review we will decide whether the budget decision package process is adequate in tracking the costs of direct services. We reserve judgment, therefore, and may require further modifications in AT&T's procedures. We also instruct AT&T to review all ETRs filed by General Departments organizations and to issue bills within 30 days of the date of this *Order* for all work performed on behalf of ATTIS for which that company has not been billed. See Staff Report at paras. 31 and 60 through 64.

24. The staff has identified four projects in the legal department which were not identified by AT&T as services benefitting ATTIS. Those projects should be reclassified and ATTIS should be charged its appropriate share of their expenses to insure that ratepayers are not unduly burdened. See Staff Report at paras. 31 through 37.

25. AT&T's procedures permit affiliates to decide whether they will participate in non-License Contract cost-

share projects. Many such projects provide an overall corporate benefit, and, therefore, permitting affiliates to decide whether they will share the costs is inappropriate. ATTIS' decisions regarding non-License Contract projects were not transmitted to the General Department until May 1, June and July 1983. ATTIS thus received benefits from projects, many of which began in January, for which it paid no compensation until, at the earliest, September. We direct AT&T to revise its procedures to (a) eliminate the prior approval required for ATTIS participation in, and financial responsibility for, non-License Contract projects which provide clear corporate benefits to ATTIS and (b) to provide for billing for all non-License projects within 30 days of their initiation. See Staff Report at paras. 38 through 43.

26. The staff identified a number of bills for services to ATTIS which had been unpaid for more than 180 days. AT&T corrected this deficiency when the bills were brought to its attention. On December 1, 1983, AT&T began implementation of new billing procedures which provide for billing to ATTIS on the 1st of each month with payment due on or before the 15th day of that month. AT&T will apply a late payment charge to any bill not paid by the due date. We instruct AT&T to conduct a regular review of accounts receivable in order to ensure that late payment charges are consistently applied. See Staff Report at para. 66.

27. Finally, AT&T determines ATTIS' share of the expenses of License Contract services by applying an allocation factor to the total costs of those services which it has previously identified as supporting ATTIS. AT&T has included in the calculation of those allocators data for every Bell System affiliate, whether or not those affiliates pay a proportionate share of those License Contract expenses. The result of such calculations is to undercharge ATTIS and to shift the burden of costs onto the operating companies and eventually to the ratepayer. AT&T is directed to recalculate the allocators and the billings for 1982-83 using data only for the BOCs, Long Lines, CBI, SNET and ATTIS. See Staff Report at paras. 51 through 56. As noted below however, at the time of divestiture, AT&T will modify its accounting for services providing company-wide benefits in a manner which should eliminate the flaw in its present method of distributing expenses of ATTIS.

#### Changes in AT&T Corporate Structure

28. AT&T has advised the Bureau, by letters dated November 16 and December 14, 1983, regarding certain structural changes which it will make on January 1, 1984. AT&T states that the General Departments will be eliminated and replaced, in part, by a Corporate Headquarters organization of approximately 1,700 people whose operations will be limited to financial and policy activities. Expenses for these activities will be allocated to each of the AT&T entities, including AT&T Communications, Inc., the new corporation which replaces the Long Lines department. AT&T also states that, under a further restructuring, all unregulated activities will be under the direction of AT&T Technologies. Administrative services now provided by the General Departments will, in the future, be provided by AT&T Technologies, Corporate Headquarters and, to a lesser extent, AT&T Communications. Allocation procedures used to distribute expenses will be, according to AT&T, "similar or identical to procedures the Commission has approved in the course of the CI-II decisions."

29. AT&T's letters provide an overview of the services which will be provided by the Corporate Headquarters and by AT&T Technologies and AT&T Communications to ATTIS and the methods that will be used in accounting for them. With the reorganization of its Corporate Headquarters and of AT&T Technologies, we direct AT&T to file a detailed supplement to its earlier Report on Services to be Shared, including details of the accounting systems it will rely upon in allocating expenses to the several AT&T entities which will bear the costs. The supplement should also describe the structures of the Corporate Headquarters entity and of AT&T Technologies, the services each organization will provide, any revisions to the services now provided ATTIS by the General Departments, and an explanation as to how the new organizations comply with the Computer II separation requirements. Pending our analysis of this report we grant AT&T a temporary waiver to provide administrative services to ATTIS through AT&T Technologies, AT&T Communications and Corporate Headquarters.

#### Bell Labs Administrative Support to ATTIS

30. Bell Labs provides administrative services in addition to those provided by the General Departments. These services are primarily transition services

and services associated with physical space that ATTIS temporarily shares with Bell Labs. Provision of these services will terminate when ATTIS occupies its own research and development facility. Construction of this building is scheduled for completion in December 1985. Table III attached to the Staff Report lists the termination date for each service now provided to ATTIS by Bell Labs. The staff review at Bell Labs focused on verification that only authorized services were provided to ATTIS and on the billing and payment for such services. The staff concluded that Bell Labs has provided services to ATTIS in a manner consistent with our *Orders* and that ATTIS has compensated Bell Labs for these services in a timely fashion.

#### IV. Conclusions and Ordering Clauses

31. The public interest is best served when agencies ensure that their resources and those of the regulated industries are utilized with maximum efficiency. As discussed in detail above, the concerns which led us to open the *License Contract Inquiry* have been, or will be, more efficiently addressed in other, more carefully focused proceedings. We will therefore terminate the *License Contract Inquiry* and devote our resources to those areas where changing circumstances require our continued attention.

32. We have also concluded that AT&T's provision of administrative services to ATTIS comports with our decisions. AT&T's accounting systems, modified as we have described above, provide a proper system of accounting for the ATTIS share of the expenses associated with those services. We recognize, however, that AT&T's changing internal structure will result in modifications to these systems and to the services provided to ATTIS. We therefore charge the staff of the Common Carrier Bureau with continued monitoring of AT&T's provision of administrative services to ATTIS. The Bureau shall report to the Commission regarding AT&T's plans for providing services to affiliates under the unified accounting system described above in paragraphs 28 and 29.

33. Accordingly, it is ordered, That the *License Contract Inquiry*, CC Docket No. 80-742, is terminated.

34. It is further ordered, pursuant to Section 4 (i) and (j) of the Communications Act, That the American Telephone and Telegraph Company shall take all actions set forth herein and shall file a report on its actions within 60 days of the release of this Order.

35. It is further ordered that the American Telephone and Telegraph Company shall file a report describing the organization and services of its newly formed Corporate Headquarters and AT&T Technologies entities and the manner in which the AT&T companies will receive these services and be charged for them no later than 60 days following the release of the Order.

Federal Communications Commission,  
William J. Tricarico,  
Secretary.

Note: The Staff Report and Tables accompanying this document are filed as a part of the original document and will not be printed herein due to our continuing effort to minimize publishing costs. However, they may be viewed in the FCC Dockets Branch, Rm. 239, and the FCC Library, Rm. 639, both located at 1919 M. St., NW., Washington, D.C. 20554. In addition, copies of this Report and Order in its entirety may be obtained from the International Transcription Service, also located at 1919 M St., NW., Tel. No. (202) 296-7322.

[FR Doc. 84-2527 Filed 1-30-84; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL MARITIME COMMISSION

##### Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the *Federal Register* in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. 9845-2.

Title: Global Container Services, Inc. Container Interchange Agreement. Parties:

Columbus Line.  
DC Holdings, Ltd.  
Universal Express Container Services,  
Inc.

Synopsis: The proposed amendment reflects the sale and transfer of stock in Global Container Services by Dart Container Line to DC Holdings, Ltd.

Filing party: Edward F. Brimo,  
Treasurer, Global Terminal & Container  
Services, Inc., P.O. Box 273, Jersey City,  
N.J. 07303.

Agreement No. 10071-2.

Title: Cruise Lines International  
Association.

Parties:

American Hawaii Cruises  
Bahama Cruise Lines, Inc.  
Carnival Cruise Lines  
Commodore Cruise Lines, Ltd.  
Costa Cruises  
Cunard Line Ltd.  
Delta Queen Steamboat Co.  
Eastern-Western Cruise Lines  
Epirotiki Lines, Inc.  
Hellenic Mediterranean Lines, Ltd.  
Holland America Line, USA Inc.  
Home Lines Cruises Inc.  
Norwegian American Cruises  
Norwegian Caribbean Lines  
Paquet Cruises, Inc.  
Pearl Cruises Of Scandinavia  
Princess Cruises  
Royal Caribbean Cruise Line, Inc.  
Royal Cruise Line  
Royal Viking Line  
Sun Line Cruises  
Sitmar Cruises

Synopsis: Agreement No. 10071-2 would modify the basic agreement (1) to provide a forum for discussion of matters of common interest to Member Companies and for development of activities aimed at promoting and marketing shipboard holidays; (2) to represent Member Companies in dealing with conferences, trade associations and governmental agencies in matters related to operating and marketing passenger liner or cruise vessels; (3) to represent Member Companies in matters relating to independent travel agencies, including educational and promotional programs and a program to provide for securing the performance of and a code of conduct for independent travel agencies; (4) to promote and market shipboard vacations through travel agency training, public relations, advertising and market research; (5) to expand the description of the Association's purposes, providing for an enlarged organizational table and setting out terms specifying the fiscal management of the Association; and (6) to add provisions concerning expulsion or withdrawal from the Association.

Filing party: Edward Schmeltzer,  
Esquire, Schmeltzer, Aptaker &

Sheppard, P.C., 1800 Massachusetts  
Avenue NW., Washington, D.C. 20036.

Agreement No. 10495.

Title: Star Shipping A/S/Totem Ocean  
Trailer Express, Inc. Equipment  
Interchange Agreement.

Parties:

Star Shipping A/S  
Totem Ocean Trailer Express, Inc.

Synopsis: Agreement No. 10495 would provide for the interchange of empty and loaded equipment between the parties in the Far East/United States trade.

Filing party: Joseph H. Dettmar,  
Esquire, Garvey, Schubert, Adams &  
Barer, 1000 Potomac Street, NW.,  
Washington, D.C. 20007.

Agreement No. 10496.

Title: The Mex-Bras Liner Service.

Parties:

Transportacion Maritima Mexicana  
S.A.

Companhia de Navegacao Lloyd  
Brasileiro.

Companhia Maritima Nacional.

Synopsis: The Mex-Bras Liner Service, in addition to operating in the parties' bilateral trades between Mexico and Brazil, would include service to importers and exporters in the Puerto Rico-Brazil trade by providing incidental calls at San Juan, Puerto Rico.

Filing party: Peter J. King, Esquire,  
Hoppel, Mayer & Coleman, 1000  
Connecticut Avenue, NW., Washington,  
D.C. 20036.

Agreement No. 10497.

Title: Lykes Bros. Steamship Co., Inc./  
Southern Steamship Agency, Inc.  
Agency Agreement.

Parties:

Lykes Bros. Steamship Co., Inc.  
Southern Steamship Agency, Inc.

Synopsis: Agreement No. 10497 is an agency arrangement whereby Southern Steamship Agency, Inc. is appointed as Lykes Agent to handle release of bills of lading at the port of Charleston, South Carolina.

Filing party: R. J. Finnan, Pricing,  
Lykes Bros. Steamship Co., Inc., 300  
Poydras Street, New Orleans, Louisiana  
70130.

By Order of the Federal Maritime  
Commission.

Dated: January 26, 1984.

Francis C. Hurney,  
Secretary.

[FR Doc. 84-2551 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder  
License No. 2096-R]

#### Aduana International Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule § 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Aduana International Corporation, c/o Francisco Perez, 1946 SW. 18th Avenue, Miami, FL 33125, was cancelled effective January 11, 1984.

By letter dated January 6, 1984, Aduana International Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2096-R would be automatically revoked unless a valid surety bond was filed with the Commission.

Aduana International Corporation has failed to furnish a valid bond.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2096-R be and is hereby revoked effective January 11, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 2096-R issued to Aduana International Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Aduana International Corporation.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84-2548 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder  
License No. 1961]

#### Cargo Express, Inc.; Order of Revocation

On January 16, 1984, Cargo Express, Inc., 10415 S. La Cienega Blvd., Los Angeles, CA 90045, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1961 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 9.09(e) dated September 27, 1983;

It is ordered, that Independent Ocean Freight Forwarder License No. 1961, be revoked effective January 16, 1984, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Cargo Express, Inc.

**Robert G. Drew,**

*Director, Bureau of Tariffs.*

[FR Doc. 84-2547 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2495]

**C.I.F., Inc.; Order of Revocation**

On January 16, 1984, C.I.F., Inc., P.O. Box 524276, Miami, FL 33152, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 2495 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 9.09(e) dated September 27, 1983;

It is ordered, that Independent Ocean Freight Forwarder License No. 2495, be revoked effective January 16, 1984 without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon C.I.F., Inc.

**Robert G. Drew,**

*Director, Bureau of Tariffs.*

[FR Doc. 84-2548 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 847]

**C. J. Hanlon Co., Inc.; Order of Revocation**

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule § 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of C. J. Hanlon Co., Inc., 139-11 95th Avenue,

Jamaica, NY 11434, was cancelled effective January 19, 1984.

By letter dated January 6, 1984, C. J. Hanlon Co., Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 847 would be automatically revoked unless a valid surety bond was filed with the Commission.

C. J. Hanlon Co., Inc., has failed to furnish a valid bond.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 9.09(f) dated September 27, 1983;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 847 be and is hereby revoked effective January 19, 1984.

It is ordered, that Independent Ocean Freight Forwarder License No. 847 issued to C. J. Hanlon Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon C. J. Hanlon Co., Inc.

**Robert G. Drew,**

*Director, Bureau of Tariffs.*

[FR Doc. 84-2550 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2534]

**Logistics International, Inc.; Order of Revocation**

On January 16, 1984, Logistics International, Inc., 8508 Cedar Street, Silver Spring, MD 20910, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2534.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 9.09(e) dated September 27, 1983;

It is ordered, that Independent Ocean Freight Forwarder License No. 2534, be revoked effective January 16, 1984 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2534 issued to Logistics International, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal**

**Register** and served upon Logistics International, Inc.

**Robert G. Drew,**

*Director, Bureau of Tariffs.*

[FR Doc. 84-2549 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

**Independent Ocean Freight Forwarder License Applicants; Universal Sea/Air Express, et al.**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 552 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Universal Sea/Air Express, Inc., 5534 Armour Drive, Suite A, Houston, TX 77020, Officers: F. Carlos Maidana, President, Raymond R. Ruiz, Treasurer, D'Ann Brown, Secretary. Freight-A-Ranger, Inc., 5500 West 47th Street, Chicago, IL 60638, Officers: James F. Nettles, President, Mark F. Urban, Vice President, Richard J. Citro.

Amex International Shipping, Inc., 983 South New Hampshire Avenue, Los Angeles, CA 90006, Officers: Steven P. Young-uk Lee, President, Joyce Young-sook Lee, Secretary, Pyong Kon Lee, Chief Fin. Officer.

Deborah J. Puglisi (d.b.a. Lincoln Customhouse Brokers & International Freight Forwarders), 321 NE 29th Street, Pompano Beach, FL 33064. Paul Cavazos (d.b.a. Cav Transport and Forwarding Co.), 9019 Neenah, Morton Grove, IL 60053.

By the Federal Maritime Commission.

Dated: January 26, 1984.

**Francis C. Hurney,**

*Secretary.*

[FR Doc. 84-2545 Filed 1-30-84; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM**

**American Bancorporation Holding Co.; Acquisition of a Company Engaged in Permissible Nonbanking Activities.**

The bank holding company listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.

1843(c)(8) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the application, interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 23, 1984.

**A. Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *American Bancorporation Holding Company*, Brainerd, Minnesota, through its nonbank subsidiary, Credit American Lending Company, Brainerd, Minnesota, which engages in consumer and commercial finance and loan servicing, proposes to become an industrial loan company through the assumption of the depository obligations of the Brainerd, Minnesota office of Thorp Credit and Thrift.

Board of Governors of the Federal Reserve System, January 25, 1984.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 84-2520 Filed 1-30-84; 8:45 am]

BILLING CODE 6210-01-M

**BOJ Bancshares, Inc., et al.; Formation of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. 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 may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each applicant, interested persons may express their views in writing to the same address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written representation 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.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *BOJ Bancshares, Inc.*, Jackson, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Jackson, Jackson, Louisiana. Comments on this application must be received not later than February 22, 1984.

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

1. *Herring Bancorp, Inc.*, Vernon, Texas; to become a bank holding company by acquiring 80 percent or more of the voting stock of The Herring National Bank of Vernon, Vernon, Texas. Comments on this application must be received not later than February 24, 1984.

**C. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *ENB Holding Company*, Escondido, California; to become a bank holding company by acquiring at least 80 percent of the voting shares of Escondido National Bank, Escondido, California. Comments on this application must be received not later than February 24, 1984.

2. *HNB Financial Group*, Huntington Beach, California; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Huntington National Bank, Huntington Beach,

California. Comments on this application must be received not later than February 24, 1984.

Board of Governors of the Federal Reserve System, January 25, 1984.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 84-2521 Filed 1-30-84; 8:45 am]

BILLING CODE 6210-01-M

**Acquisition of Bank Shares by a Bank Holding Company; Duke Financial Group, Inc.**

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the 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.

**A. Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Duke Financial Group, Inc.*, New Prague, Minnesota; to acquire 80 percent of the voting shares or assets of Flag, Inc., Cambridge, Minnesota, thereby indirectly acquiring Peoples State Bank of Cambridge, Cambridge, Minnesota. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than February 24, 1984.

Board of Governors of the Federal Reserve System, January 25, 1984.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 84-2518 Filed 1-30-84; 8:45 am]

BILLING CODE 6210-01-M

**M & M Financial Corporation, et al.; Formation of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C.

1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. 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 may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

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

1. *M & M Financial Corporation*, Oak Hill, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Merchants and Miners National Bank of Oak Hill, Oak Hill, West Virginia. Comments on this application must be received not later than February 22, 1984.

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

1. *Tensas Bancshares, Inc.*, Newellton, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Tensas State Bank, Newellton, Louisiana. Comments on this application must be received not later than February 24, 1984.

Board of Governors of the Federal Reserve System, January 25, 1984.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 84-2519 Filed 1-30-84; 8:45 am]

BILLING CODE 6210-01-M

### Maple Lake Bancorp; Formation of; Acquisition by; and Merger of Bank Holding Companies and Acquisitions of Nonbanking Companies

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (49 FR 794) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (49 FR 794)

for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(a)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the Offices of the Board of Governors. With respect to the application, interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received at the Reserve Bank indicating for the application or the offices of the Board of Governors not later than February 23, 1984.

**A. Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Maple Lake Bancorporation*, Minneapolis, Minnesota to become a bank holding company by acquiring 90.6 percent of the voting shares of Security State Bank of Maple Lake, Maple Lake, Minnesota, to engage in general insurance agency activities in a community with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, January 25, 1984.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 84-2522 Filed 1-30-84; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Privacy Act of 1974: Amendment of Existing System of Records

**AGENCY:** Office of the Assistant Secretary for Management and Budget, Office of the Secretary, HHS.

**ACTION:** Notice of intent to amend a Privacy Act system of record for purposes of the Debt Collection Act of 1982.

**SUMMARY:** The Department of Health and Human Services is amending system of records 09-90-0024 to add new routine uses for the purpose of collecting debts owed the Federal Government, and to add a disclosure to consumer reporting agencies as authorized by 5 U.S.C. 552a(b) (12) as added by the Debt Collection Act of 1982 (Pub. L. 97-365). A number of other amendments have been made to reflect changes of organization and titles. We invite public comment on these routine uses.

**EFFECTIVE DATE:** The notice of disclosure under 5 U.S.C. 552a(b) (12) is effective immediately.

The proposed new routine uses shall be effective without further notice March 1, 1984, unless public comments are received on or before that date that result in a contrary determination.

**ADDRESS:** Comments should be addressed to: Deputy Assistant Secretary, Finance, Room 705D, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C., 20201.

**FOR FURTHER INFORMATION CONTACT:** Sue Mundstok, DAS Privacy Act Coordinator, telephone (202) 245-6841.

**SUPPLEMENTARY INFORMATION:** The Debt Collection Act was established to increase the efficiency of the Government-wide effort to collect debts owed the United States and to prescribe certain means for the collection of such debts. These procedures authorize agencies to use private debt collection agencies, to disclose bad debt information to credit bureaus, and to collect claims by administrative offset and salary deduction. To implement these techniques and services, agencies are authorized to disclose the names, addresses, and Social Security numbers of individuals from systems of records and to provide other debt collection information.

System of records 09-90-0024 which follows this notice is amended to provide a new general disclosure

authority, under subsection (b)(12) of the Privacy Act, for disclosing certain personal information to consumer reporting agencies. Before disclosing debtor information, claims collection officers will ensure that due process procedural requirements established in Section 3 of the Debt Collection Act (codified at 31 U.S.C. 3711(f)) have been followed. This authority does not apply to claims arising under the Social Security Act, but new routine use 13, described below, provides the authority for such disclosures regarding some claims under this Act.

We are also amending the system to add six new routine uses. Most of these are for disclosures pursuant to the Debt Collection Act of 1982. The first use (number 9 below) is for disclosures to credit reporting agencies to determine creditworthiness of loan applicants and potential contractors and grantees. On most occasions, these disclosures will be pursuant to OMB Bulletin No. 83-21 (Sept. 21, 1983). The second use (number 10 below) allows disclosures to IRS to find out whether a loan applicant is delinquent in tax payments (Section 7 of the Debt Collection Act, codified at I.R.C. 6103(1)(3)). This use applies at present with the DHHS only to loan programs under the Public Health Service Act. If other loan programs are later added, they will be included without further specific notice. The third use (number 11 below) is for disclosures to collect debts owed the United States. It allows disclosure of limited information to another federal agency so that agency can effect a salary or administrative offset (Sections 5 & 10 of the Act, codified at 5 U.S.C. 5514(a) and 31 U.S.C. 3716, and common law); to the Treasury Department so as to obtain a mailing address (Section 8, codified at I.R.C. 6103(m)(2)); to agents of the Department so as to locate the individual; to debt collection agents under contract to help collect or compromise the debt (Section 13, codified at 31 U.S.C. 3718, and common law); and to the Justice Department to bring suit or take further administrative action to collect, compromise, suspend or terminate a debt. It allows disclosure to a credit reporting agency of addresses supplied by Treasury, but only in order to obtain a credit report from that agency (Section 8, codified at I.R.C. 6103(m)(2)). Section 5 of the Act does not apply to claims arising under or payable under the Social Security Act (see Section 8(e) of the Act), so disclosures for salary offsets may be made only when the individual consents in writing to the offset. The fourth use (number 12 below) is for disclosure of

limited information to another federal agency that has asked this Department to effect an administrative offset to help collect a debt owed the United States by an individual to whom we owe money or for whom we are holding money. The fifth use (number 113 below) is to disclose certain information on delinquent debtors under the Social Security Act to consumer reporting agencies. However, this routine use will not apply to debts from overpayment to beneficiaries under Title II (Old-Age Survivors, and Disability Insurance) and Title XVI (Supplemental Security Income) of the Act; and we will not be disclosing delinquent debts of this type to consumer reporting agencies. The sixth use (number 14 below) is to inform the Internal Revenue Service when a debt becomes uncollectible or when certain payments are made to an individual so that IRS can include these amounts as income to the individual under I.R.C. 61.

These new routine uses are compatible with the purposes for which the information is collected. The information is collected in order to keep correct accountings of the Department's financial dealings (other than salaries) and to manage the Department's funds properly. Routine uses 9-13 help the Department consider the financial reliability of applicants in awarding loans, contracts, and grants, and they improve the Government's ability to recover money owed to it. The compatibility is supported by Sections 5, 7, 8, 10, and 13 of the Debt Collection Act; by the OMB guidance on relationship of this act to the Privacy Act (48 FR 15556 (Apr. 11 1983)); and by OMB Bulletin No. 83-21. Routine use 14, for reporting taxable income payments and written-off debts to IRS, improves proper accounting of the financial relationship resulting from the dealing between the Department and the individual, by ensuring that when a payment or the writing-off of a debt to the Department adds to the individual's gross income, the Government can more easily collect any resulting tax obligation.

These actions do not require a report of an altered system notice pursuant to 5 U.S.C. 552(o).

Dated: January 25, 1984.  
David V. Dukes,  
Deputy Assistant Secretary, Finance.

09-90-0024

**SYSTEM NAME:**

Accounting Records of Payments to Individuals from Operating Division, Agency and Regional Financial

Management and Disbursing Office.  
HHS/OS/ASMB/.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

See Appendix 1.

Memoranda copy of claims submitted for reimbursement of travel and other expenditures while on official business may also be maintained at the administrative office of the HHS employee.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons authorized to travel on official HHS business; persons awarded an HHS grant, contract or loan; persons authorized travel and salary, and housing allowances advances; and consultants furnishing administrative and miscellaneous services.

**CATEGORIES OR RECORDS IN THE SYSTEM:**

Name, identification number, address, purpose of payment, accounting classification and amount paid.

Also, in the event of an overpayment, the amount of the indebtedness, the repayment status and the amount to be collected.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Budget and Accounting Act of 1950 (Pub. L. 81-784).

**PURPOSE(S):**

These records are an integral part of the accounting systems at principal operating component, agency, regional office and specific area locations. The records are used to keep track of all payments to individuals, exclusive of salaries and wages, based upon prior entry into the systems of the official commitment and obligation of government funds. When an individual is to repay funds advanced as a loan or scholarship, etc., the records will be used to establish a receivable record and to track repayment status. In the event of an overpayment to an individual, the record is used to establish a receivable record for recovery of the amount claimed. The records are also used internally to develop reports to the Internal Revenue Service and applicable state and local taxing officials of taxable income. Direct access to these records is restricted to authorized persons in performance of official duties. This is a Department-wide notice covering payments made from all locations listed in Appendix 1.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. Records will routinely be disclosed to the Treasury Department for check preparation.

2. Records may be disclosed to members of Congress concerning a Federal financial assistance program. Also, disclosure may be made to a congressional office from an individual's record in response to an inquiry from the congressional office made at the request of that individual.

3. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

4. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

6. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

8. In the event of litigation where the defendant is (a) the Department or any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines

that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

9. A record about a loan applicant or potential contractor or grantee may be disclosed to credit reporting agencies to obtain a credit report in order to determine his/her creditworthiness.

10. When an individual applies for a loan under a loan program as to which the OMB has made a determination under I.R.C. 6103(1)(3), a record about his/her application may be disclosed to the Treasury Department to find out whether he/she has a delinquent tax account, for the sole purpose of determining his/her creditworthiness.

11. A record from this system may be disclosed to the following entities in order to help collect a debt owed the United States:

a. To another Federal agency so that agency can effect a salary offset;

b. To another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to, or held on behalf of, the individual);

c. To the Treasury Department to request his/her mailing address under I.R.C. 6103(m)(2) in order to locate him/her or in order to have a credit report prepared;

d. To agents of the Department and to other third parties to help locate him/her in order to help collect or compromise a debt;

e. To debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

f. To the Justice Department for litigation or further administrative action.

Disclosure under part (d) of this use is limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosure under parts (a)-(c) and (e) is limited to those items; the amount, status, and history of the claim; and the agency or program under which the claim arose. An address obtained from IRS may be disclosed to a credit reporting agency under part (d) only for purposes of preparing a commercial credit report on the individual. Part (a) applies to claims or debts arising or

payable under the Social Security Act if and only if the employee consents in writing to the offset.

12. A record from this system may be disclosed to another Federal agency that has asked the Department to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to: Name, address, Social Security number, and other information necessary to identify the individual, information about the money payable to or held for the individual, and other information concerning the administrative offset.

13. Disclosures with regard to claims or debts arising under or payable under the Social Security Act may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). However, this disclosure will not be made with regard to debts from overpayments to beneficiaries under Title II (Old-Age, Survivors, and Disability Insurance) and Title XVI (Supplemental Security Income) of this Act. The purpose of this disclosure is to aid in the collection of outstanding debts owed the Federal Government. Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency or program under which the claim arose.

14. Information in this system of records is used to prepare W-2 and 1099 Forms to submit to the Internal Revenue Service and applicable state and local governments items considered to be included as income to an individual: certain travel related payments to employees, all payments made to persons not treated as employees (e.g. fees to consultants and experts), and amounts written-off as legally or administratively uncollectable, in whole or in part.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosure pursuant to 5 U.S.C. 552a(b)(12):* Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal Government, typically, to provide an incentive for debtors to repay delinquent Federal Government

debts by making these debts part of their credit records. Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency or program under which the claim arose. This disclosure will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been followed.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Hard copy documents are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

**RETRIEVABILITY:**

This varies according to the particular operating accounting system within the Operating Division, Agency and Regional Office. Usually the hard copy document is filed by name within accounting classification. Computer records may be indexed by social security number and voucher number. Intra-departmental uses and transfers concern the validation and certification for payment, and for HHS internal audits.

**SAFEGUARDS:**

Safeguards to insure integrity of record, and that required to provide protection against loss by accident of carelessness. The safeguards include restricted access to authorized personnel, locked files and offices, and technical safeguards of computer records in accordance with Part 6, HHS ADP Systems Manual.

**RETENTION AND DISPOSAL:**

Records are purged from automated files once the accounting purpose has been served; printed copy and manual documents are retained and disposed of in accord with General Accounting Office principles and standards.

**SYSTEM MANAGER(S) AND ADDRESS:**

See Appendix 2.

**NOTIFICATION PROCEDURE:**

Inquiries are to be made, either in writing or in person, to the organizations listed under "Location" in appendix 1, with the exception of Food and Drug Administration contact:

FDA Privacy Coordinator (HFW-50)  
Food and Drug Administration, 5600  
Fishers Lane, Rockville, MD 20857.

Given name and social security number, purpose of payment (travel,

grant, etc.) and, if possible, the agency accounting classification.

**RECORD ACCESS PROCEDURE:**

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

**CONTESTING RECORD PROCEDURES:**

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the reason for contesting it, i.e., why it is inaccurate, irrelevant, incomplete or not current.

**RECORD SOURCE CATEGORIES:**

Travel vouchers submitted by the individual; grant, contract or loan award document; consultant invoice of services rendered; and application for travel advance.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Appendix 1**

*Location*

Payments to Individuals records are located at the following HHS Regional Offices:

Regional Office 01, John F. Kennedy Federal Bldg., Government Center, Boston, MA 02203.

Regional Office 02, 26 Federal Plaza, New York, NY 10007.

Regional Office 03, 3535 Market Street, P.O. Box 13716, Philadelphia, PA 19101.

Regional Office 04, 101 Marietta Tower, Atlanta, GA 30323.

Regional Office 05, 300 South Wacker Drive, Chicago, IL 60606.

Regional Office 06, 1200 Main Tower, Dallas, TX 75202.

Regional Office 07, Federal Office Bldg., 601 East 12th Street, Kansas City, MO 64106.

Regional Office 08, 19th & Stout Streets, Denver, CO 80294.

Regional Office 09, Federal Office Buildings, 50 United Nations Plaza, San Francisco, CA 94102.

Regional Office 010, Arcade Plaza Bldg., 1319 Second Avenue, Seattle, WA 98101.

Payments to Individuals records are located at the following HHS Operating Division and Agency Headquarters and Field Offices:

Office of the Secretary (to include Office of Human Development Services records), Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Div. of Accounting Operations, Washington, DC 20201.

Health Resources and Services Administration, Office of Fiscal Services, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Health Resources and Services Administration, Addiction Research Center,

Leestown Pike—Box 2000, Lexington, KY 40501.

Health Resources and Services Administration, National Hansen's Disease Center, Carville, LA 70721.

Health Resources and Services Administration, PHS Indian Health Area Office, Federal Office Bldg. and U.S. Court House, 500 Gold Avenue SW., Albuquerque, NM 87101.

Health Resources and Services Administration, PHS Indian Health Area Office, 338 Post Office and Court House Bldg., Oklahoma City, OK 73102.

Health Resources and Services Administration, PHS Indian Health Area Office, Indian Health Service, Federal Bldg., Aberdeen, SD 57401.

Health Resources and Services Administration, PHS Indian Health Area Office 03 at 7th West Central Avenue, Post Office Box 2143, Billings, MT 59103.

Health Resources and Services Administration, PHS Indian Health Area Office, 801 East Indian School Road, Phoenix, AZ 85014.

Health Resources and Services Administration, Alaska Area Native Health Service, Post Office Box 7-741, Anchorage, AK 99510.

Health Resources and Services Administration, PHS Area Office, 1220 S.W. 3rd Ave., Portland, OR 97204.

Health Resources and Services Administration, U.S.E.T. Program Office, Indian Health Service, 1101 Kermet Drive, Nashville, TN 37217.

Health Resources and Services Administration, Navajo Area, Indian Health Service, P.O. Box G, Window Rock, AZ 86515.

Public Health Service, Nat'l. Institute for Occupational Safety and Health, CDC, 532 U.S. Post Office and Courthouse Bldg., Cincinnati, OH 45202.

Public Health Service Center for Disease Control, 1600 Clifton Rd., Atlanta, GA 30333.

Food and Drug Adm., HFA-120, 5600 Fishers Lane, Rockville, MD 20857.

Food and Drug Adm., 880 W. Peachtree St., NW., Atlanta, GA 30309.

Food and Drug Adm., 585 Commercial Street, Boston, MA 02109.

Food and Drug Adm., 599 Delaware Avenue, Buffalo NY 14202.

Food and Drug Adm., Room 700—Federal Office Bldg., 850 3rd Avenue (at 30th Street), Brooklyn, NY 11232.

Food and Drug Adm., 20 Evergreen Pl., East Orange, NJ 07018.

Food and Drug Adm., Room 1204, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106.

Food and Drug Adm., 900 Madison Avenue, Baltimore, MD 21201.

Food and Drug Adm., P.O. Box S-4427, San Juan, P.R. 00905.

Food and Drug Adm., Room 1222, Main Post Office Bldg., 433 West Van Buren Street, Chicago, IL 60607.

Food and Drug Adm., 1560 East Jefferson Avenue, Detroit, MI 48207.

Food and Drug Adm., 1141 Central Parkway, Cincinnati, OH 45202.

Food and Drug Adm., 240 Hennepin Avenue, Minneapolis, MN 55401.

Food and Drug Adm., 3032 Bryan Street, Dallas, TX 75204.

Food and Drug Adm., Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, LA 70130.

Food and Drug Adm., National Center for Toxicological Research, Jefferson, AR 72079.

Food and Drug Adm., 1009 Cherry Street, Kansas City, MO 64106.

Food and Drug Adm., Room 1002, U.S. Courthouse and Courthouse Building, 1114 Market Street, St. Louis, MO 63101.

Food and Drug Adm., Room 573, New Customhouse Building, 721 19th Street, Denver, CO 80202.

Food and Drug Adm., Room 518, Federal Office Building, 50 Fulton Street, San Francisco, CA 94102.

Food and Drug Adm., 1521 West Pico Boulevard, Los Angeles, CA 90015.

Food and Drug Adm., 5033 Federal Office Bldg., 909 First Avenue, Seattle, WA 98174.

National Institutes of Health, Operations Accounting Branch, Bldg. 31, Room B1B07, 9000 Rockville Pike, Bethesda, MD 20014.

National Institutes of Health, Rocky Mountain Laboratory, Hamilton, MT 59840.

Alcohol, Drug Abuse, and Mental Health Administration, Saint Elizabeths Hospital, Finance Office, Administration Bldg., Washington, D.C. 20032.

Social Security Administration, Program and Fiscal Operations Offices, Post Office Box 47, Baltimore, MD 21203.

Social Security Administration, Bureau of Supplemental Income, 4-M-5 Annex Bldg., Baltimore, MD 21235.

Social Security Administration, Bureau of Disability Payments, 1506 Woodlawn Drive, 1J2, Baltimore, MD 21241.

Social Security Administration, Northeastern Program Center, 9605 Horace Harding Expressway, Flushing, NY 11368.

Social Security Administration, Midatlantic Program Center, 401 North Broad Street, Philadelphia, PA 19108.

Social Security Administration, Southeastern Program Center, 225 Third Avenue North, Birmingham, AL 35285.

Social Security Administration, Great Lakes Program Center, 165 North Canal Street, Chicago, IL 60606.

Social Security Administration, MidAmerica Program Center, 601 East 12th Street, Kansas City, MO 64106.

Social Security Administration, Western Program Center, Post Office Box 100, San Francisco, CA 94101.

Health Care Financing Administration, Gwynn Oak Building, 1710 Gwynn Oak Avenue, Baltimore, MD 21235.

For Payments to Individuals records at the following central payments office for grants and contracts:

Office of the Secretary, Federal Assistance Financing Branch, Box 6021, Rockville, MD 20857.

#### Appendix 2

System Manager, Departmental principles and standards concerning the system of records are the responsibility of:

Department of Health, and Human Services, Assistant Secretary for Management and Budget, Office of the Secretary, Room 510A, Humphrey Building, Washington, DC 20201.

Operational responsibilities are as follows: For Payments to Individual records at Department and Regional Office:

HHS, Office of Secretary and Regional Offices, Office of Secretary, Deputy Assistant Secretary, Finance, Room 70D1, Humphrey Building, Washington, DC 20201.

For payments to Individual records at Principal Operating Component Offices: Health (CDC, FDA, NIH, ADAMHA, HRSA, ASH)

Public Health Service, Director, Division of Financial Management, Room 16-17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Social Security Administration, Director, Office of Financial Management, Room 840 Annex Social Bldg., Baltimore, MD 21235.

Office of Human Development, Services Director, Office of Management Services, Room 309D, HHH Building, 200 Independence Ave., S.W., Washington, D.C. 20201.

Health Care Financing, Administration Director, Office of Management and Budget, Room 4406, HHS North Building, 300 Independence Ave., S.W., Washington, D.C. 20201.

[FR Doc. 84-2531 Filed 1-30-84; 8:45 am]

BILLING CODE 4150-04-M

## Health Resources and Services Administration

### Availability of Funds for Maternal and Child Health Projects

**AGENCY:** Public Health Service, HHS.

**ACTION:** General notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) announces that funds are now available for grants for carrying out the following groups of activities: (1) Special projects of regional and national significance; (2) maternal and child health research; (3) maternal and child health training; (4) genetic disease testing, counseling and information projects; and (5) hemophilia diagnostic and treatment centers.

Awards will be made under the authority of section 502(a) of Social Security Act, as amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), which is commonly referred to as the Maternal and Child Health (MCH) Federal Set-Aside Program. Because of the diverse nature of the section 502(a) grants and their varying funding cycles, HRSA, through this notice, invites potential applicants to inquire about specific application requirements for the particular grant activity in which they are interested and then, after receiving application information from HRSA, to make their applications for funding.

**FOR FURTHER INFORMATION CONTACT:** Potential applicants wishing to inquire about possible grant support should address their inquiries in writing to the

Office of the Director, Division of Maternal and Child Health, Bureau of Health Care Delivery and Assistance, Room 6-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2170.

**DATES:** Dates by which applications must be received differ for the several categories of grants, but range from April 1 to August 1, 1984. Specific information on filing deadlines will be included in the program guidelines which are part of the application kit which will be mailed to interested applicants. Applicants should forward their written inquiries to the address reflected above as soon as possible.

**SUPPLEMENTARY INFORMATION:** The Omnibus Budget Reconciliation Act of 1981 revised Title V of the Social Security Act to establish the Maternal and Child Health Services Block Grant. Between 10 and 15 percent of the funds appropriated for Title V in each fiscal year are to be retained by the Secretary for the award of grants for the purposes specified above. These programs were previously supported under sections 503(2), 504(2), 511 and 512 of the Social Security Act and under sections 1101 and 1131 of the Public Health Service Act as in effect prior to the enactment of Pub. L. 97-35.

Approximately \$13.7 million is anticipated to be available for support of new and competitive renewal projects. Of the \$13.7 million available, approximately \$3.1 million has been allocated for genetics, \$300,000 for hemophilia, \$1.8 million for research, \$2.3 million for training, and \$6.2 million for other special projects.

A Notice of Proposed Rulemaking (NPRM) proposing rules for implementing this set-aside program was published on January 12, 1983 (48 FR 1323). That NPRM proposes revising 42 CFR Part 51a (Grants for Maternal and Child Health and Crippled Childrens Services), Part 51d (Grants for Hemophilia Treatment Centers), and Part 51f (Project Grants for Genetic Diseases Testing and Counseling Programs) by eliminating repetitive and unnecessary provisions in those regulations and by providing for a single regulation to govern the various grants included in the set-aside program. The comment period on the NPRM ended on February 11, 1983.

On June 25, 1982, 42 CFR Parts 51a and 51d, and 51f, which were initially issued under the authorities of Title V of the Social Security Act and sections 1101 and 1131 of the Public Health Service Act, as in effect prior to the 1981 Pub. L. 97-35 amendments, were

amended to make them applicable to grants awarded under the new section 502(a) authority (see 47 FR 27824). The preamble to that amending document states that until a concise new regulation governing the set-aside grant program can be developed, the amended regulations issued under the former categorical authorities (42 CFR Parts 51a, 51d and 51f) are to govern the award of set-aside funds. However, the Department notes that 42 CFR Part 51a was removed from the Code of Federal Regulations effective October 1, 1982 (see 47 FR 48593).

In terms of what types of entities may apply for the various types of set-aside grants, it should be noted that the statute at section 502(a)(2) provides that training grants may be made only to public or nonprofit private institutions of higher learning and that research grants may be made only to public or nonprofit private institutions of higher learning or to nonprofit agencies and organizations engaged in research or in maternal and child health or crippled children's programs. Under the applicable provisions of 42 CFR Part 51d, governing comprehensive hemophilia diagnostic and treatment center grants, only public and nonprofit private entities are eligible to receive such grants (see 42 CFR 51d.101). Similarly, with respect to genetic diseases testing and counseling program grants, **only** public and nonprofit private entities are eligible to receive such grants (see 42 CFR 51f.103). There are no statutory or regulatory limitations on the type of entity which may apply for special project grants of regional and national significance.

Under the January 12, 1983, NPRM discussed above, grants for hemophilia diagnostic and treatment centers, grants for genetic diseases testing and counseling and grants for special projects of regional and national significance, would be made available to private, for-profit organizations.

All requests for application information must be in writing and must specify clearly the type of applicant organization or agency, the specific type of activity for which information is desired, and a brief one paragraph description of the project for which support will be requested. It is essential that all interested applicants responding to this announcement specify either research, training, genetic disease testing, counseling and information, hemophilia diagnostic and treatment centers or special projects of regional and national significance as the primary purpose of their applications.

This announcement is exempt from

the intergovernmental review procedure under Executive Order 12372 (45 CFR 100).

The MCH program is listed as No. 13.110 in the OMB Catalog of Federal Domestic Assistance.

Dated: January 25, 1984.

**Robert Graham,**

*Administrator Assistant Surgeon General.*

[FR Doc. 84-2620 Filed 1-30-84; 8:45 am]

BILLING CODE 4160-17-M

## National Institutes of Health

### Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on February 22, 23 and 24. On February 22 and 23, the meeting will be held in the Conference Room, Building 7, National Institutes of Health. On February 24, the meeting will be held in Conference Room 7A-24, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on February 22 from 8:30 a.m. until recess and on February 23 from 8:30 a.m. until noon. During this open session, the permanent staff of the Laboratory of Infectious Diseases will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Board will be closed to the public on February 23 from 1:00 p.m. until recess and again on February 24 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Thomas Flavin, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 10, Room 11C103,

telephone (301) 496-3006, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: January 23, 1984.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 84-2571 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

## Clinical Trials Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Committee, National Cancer Institute, February 23-24, 1984, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on February 23 from 9:00 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 23, from approximately 9:30 a.m. to adjournment and on February 24 from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Richard A. Rhoden, Executive Secretary, Clinical Trials Committee, National Cancer Institute, Westwood Building, Room 804, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7030) will furnish substantive program information.

Dated: January 19, 1984.

**Betty J. Beveridge,**

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 84-2570 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

### Meeting of the Epilepsy Advisory Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, March 26 and 27, 1984, in Room B119, Federal Building, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 1:00 p.m. on March 26, 1984, to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:00 p.m. on March 26, 1984 to adjournment on March 27, 1984, for review of preclinical and clinical compounds of the Antiepileptic Drug Development program. This review and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger J. Porter, Chief, Epilepsy Branch, Convulsive, Developmental, and Neuromuscular Disorders program, NINCDS (Federal Building, Room 114), National Institutes of Health, Bethesda, MD 20205; telephone 301/496-6691, will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: January 19, 1984.

Betty Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 84-2564 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

### Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on March 29, 1984, in Building 31, Conference Room 9.

This meeting will be open to the public on March 29, 1984, from 8:30 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of

the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 29, 1984, from approximately 10:00 AM to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: January 19, 1984.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 84-2569 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

### Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 29-30, 1984, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public on March 29, 1984 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 29, from approximately

9:30 AM until recess, and from 8:30 AM to adjournment on March 30, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health.)

Dated: January 19, 1984.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 84-2568 Filed 1-31-84; 8:45 am]

BILLING CODE 4140-01-M

### Meeting of the Minority Biomedical Research Support Subcommittee of the General Research Support Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Biomedical Research Support Subcommittee of the General Research Support Review Committee, Division of Research Resources, March 22-23, 1984 at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on March 22, 1984, to discuss policy matters relating to the Minority Biomedical Research Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 22, 1984, from approximately 1:30 p.m. to 5:00 p.m. and on March 23, 1984, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the

Minority Biomedical Research Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B10, Bethesda, Maryland 20205, telephone (301) 496-5545, will provide summaries of meeting and rosters of committee members. Dr. Ethel B. Jackson, Executive Secretary of the Minority Biomedical Research Support Subcommittee of the General Research Support Review Committee, Building 31, Room 5B-11, Bethesda, Maryland 20205, telephone (301) 496-4390 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Research Support Program, National Institutes of Health)

Dated: January 19, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-2562 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

#### National Institute of Allergy and Infectious Diseases; Research Committees; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees of the National Institute of Allergy and Infectious Diseases for February and March 1984.

Portions of these meetings will be open to the public to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. Portions of these meetings will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Thomas Flavin, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room

7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the committee members.

Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each committee.

Name of Committee: Microbiology and Infectious Diseases Research Committee

Executive Secretary: Dr. Susan B. Spring, Room 706, Westwood Building, Telephone: (301) 496-7465

Dates of Meeting: February 16-17, 1984

Place of Meeting: Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland 20205

Open: February 17, 1984, 3:30 p.m.-4:30 p.m.

Closed: February 16, 1984, 8:30 a.m.-8:00 p.m.; February 17, 1984, 9:00 a.m.-3:15 p.m.

Name of Committee: Transplantation Biology and Immunology Subcommittee of the Allergy, Immunology, and Transplantation Research Committee

Executive Secretary: Dr. Nirmal Das, Room 706, Westwood Building, Telephone: (301) 496-7966

Date of Meeting: March 1, 1984

Place of Meeting: Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland 20205

Open: March 1, 1984, 1:30 p.m. to adjournment

Closed: March 1, 1984, 8:30 a.m.-12:30 p.m.

Name of Committee: Allergy and Clinical Immunology subcommittee of the Allergy, Immunology, and Transplantation Research Committee

Executive Secretary: Dr. Nirmal Das, Room 706, Westwood Building, Telephone: (301) 496-7966

Date of Meeting: March 14, 15, 16, 1984

Place of Meeting: Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland 20205

Open: March 16, 1984—8:00 a.m.—9:15 a.m.

Closed: March 14, 1984—8:30 a.m.—6:30 p.m.; March 15, 1984—8:30 a.m.—10:30 p.m.; March 16, 1984—9:15 a.m.—6:15 p.m.

(Catalog of Federal Domestic Assistant Programs Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institute of Health)

Dated: January 19, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-2563 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

#### National Institute of Child Health and Human Development; Research Committees; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the first-level review committees of the National Institute of Child Health and Human Development for March 1984.

These meetings will be open to the public to discuss items relative to committee activities including announcements by the Director, Associate Director for Scientific Review, and executive secretaries, for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6) Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, these meetings will be closed to the public for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each committee.

Name of Committee: Maternal and Child Health Research Committee

Executive Secretary: Dr. Jane Showacre, Room 6C03, Landow Building, Telephone: 301, 496-1696

Date of Meeting: March 13-14, 1984

Place of Meeting: Landow Building, Conference Room A

Open: March 13, 1984, 9:00 a.m.—10:15 a.m.

Closed: March 13, 1984, 10:30 a.m.—5:00 p.m., March 14, 1984, 9:00 a.m.—adjournment

Name of Committee: Mental Retardation Research Committee

Executive Secretary: Dr. Stanley Slater,  
Room 6C03, Landow Building,  
Telephone: 301, 496-1696

Date of Meeting: March 15-16, 1984

Place of Meeting: Landow Building,  
Conference Room A

Open: March 15, 1984, 9:00 a.m.-10:00  
a.m.

Closed: March 15, 1984, 10:00 a.m.-5:00  
p.m., March 16, 1984, 9:00 a.m.-  
adjournment

Name of Committee: Population  
Research Committee

Executive Secretary: Dr. Dinesh Sharma,  
Room 6C03, Landow Building,  
Telephone: 301, 496-1696

Date of Meeting: March 8-9, 1984

Place of Meeting: Landow Building,  
Conference Room A

Open: March 8, 1984, 9:00 a.m.-10:30 a.m.

Closed: March 8, 1984, 10:30 a.m.-5:00  
p.m., March 9, 1984, 9:00 a.m.-  
adjournment

(Catalog of Federal Domestic Assistance  
Program No. 13.864, Population Research and  
No. 13.865, Research for Mothers and  
Children, National Institutes of Health)

Dated: January 19, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-2565 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of General Medical Sciences; Review Committees; Meetings

Pursuant to Pub. L. 92-463, notice is  
hereby given of the meetings of the  
committees of the National Institute of  
General Medical Sciences for March  
1984.

These meetings will be open to the  
public to discuss administrative details  
relating to committee business for  
approximately two hours at the  
beginning of the first session of the first  
day of the meeting. Attendance by the  
public will be limited to space available.  
These meetings will be closed thereafter  
in accordance with provisions set forth  
in Section 552b(c)(4) and 552b(c)(6), Title  
5, U.S. Code and Section 10(d) of Pub. L.  
92-463, for the review, discussion, and  
evaluation of individual research  
training grant and research center grant  
applications. These applications and the  
discussions could reveal confidential  
trade secrets or commercial property  
such as patentable material, and  
personal information concerning  
individuals associated with the  
applications, the disclosure of which  
would constitute a clearly unwarranted  
invasion of personal privacy.

Mrs. Ann Dieffenbach, Public  
Information Officer, National Institute of  
General Medical Sciences, National

Institutes of Health, Building 31, Room  
4A52, Bethesda, Maryland 20205  
(Telephone: 301-496-7301), will provide  
a summary of the meeting and a roster  
of committee members.

Substantive program information may  
be obtained from each executive  
secretary whose name, room number,  
and telephone number are listed below  
each committee.

Name of Committee: Cellular and  
Molecular Basis of Disease Review  
Committee

Executive Secretary: Dr. Helen  
Sunshine, Room 950 Westwood  
Building, Telephone: 301-496-7125

Dates of Meeting: March 12-13, 1984

Place of Meeting: Building 31C,  
Conference Room 6, National  
Institutes of Health, Bethesda,  
Maryland

Open: March 12, 1984, 8:30 a.m.-10:30  
a.m.

Closed: March 12, 1984, 10:30 a.m.-5:00  
p.m., March 13, 1984, 8:30 a.m.-  
adjournment

Name of Committee: Genetic Basis of  
Disease Review Committee

Executive Secretary: Dr. Helen  
Sunshine, Room 950 Westwood  
Building, Telephone: 301-496-7125

Date of Meeting: March 2, 1984

Place of Meeting: Forest Hills  
Conference Room Linden Hill Hotel,  
5400 Pooks Hill Road, Bethesda,  
Maryland

Open: March 2, 1984, 8:30 a.m.-10:30 a.m.

Closed: March 2, 1984, 10:30-  
adjournment

Name of Committee: Minority Access to  
Research Careers Review Committee

Executive Secretary: Dr. Harriet Gordon,  
Room 949 Westwood Building,  
Telephone: 301-496-7585

Dates of Meeting: March 5-6, 1984

Place of Meeting: Building 31C,  
Conference Room 7, National  
Institutes of Health, Bethesda,  
Maryland

Open: March 5, 1984, 9:00 a.m.-10:30 a.m.

Closed: March 5, 1984, 10:30 a.m.-5:00  
p.m., March 6, 1984, 9:00 a.m.-  
adjournment

Name of Committee: Pharmacological  
Sciences Review Committee

Executive Secretary: Dr. Anthony  
Demsey, Room 904 Westwood  
Building, Telephone: 301-496-4772

Dates of Meeting: March 8-9, 1984

Place of Meeting: Building 31C,  
Conference Room 10, National  
Institutes of Health, Bethesda,  
Maryland

Open: March 8, 1984, 8:30 a.m.-10:30 a.m.

Closed: March 8, 1984, 10:30 a.m.-5:00  
p.m., March 9, 1984, 8:30 a.m.-  
adjournment

(Catalog of Federal Domestic Assistance  
Program Nos. 13-863, 13-862, 13-880, 13-859,  
National Institute of General Medical  
Sciences, National Institutes of Health)

Dated: January 19, 1984.

Betty J. Beveridge,

Committee Management Officer, National  
Institutes of Health.

[FR Doc. 84-2566 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

### President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is  
hereby given of the meeting of the  
President's Cancer Panel, March 9, 1984,  
at the Southern Research Institute, 2000  
Ninth Avenue, South, Birmingham,  
Alabama 35255.

The entire meeting will be open to the  
public from 9:00 a.m. to adjournment.  
Agenda items include reports by the  
Chairman, President's Cancer Panel, and  
the Director, National Cancer Institute;  
and discussions to obtain information  
regarding centers programs supported  
by the National Cancer Institute.  
Attendance by the public will be limited  
to space available.

Mrs. Winifred Lumsden, Committee  
Management Officer, National Cancer  
Institute, Building 31, Room 10A06,  
National Institutes of Health, Bethesda,  
Maryland 20205 (301/496-5708) will  
provide summaries of the meeting and  
rosters of Panel members, upon request.

Dr. Elliott Stonehill, Executive  
Secretary, President's Cancer Panel,  
National Cancer Institute, Building 31,  
Room 11A23, National Institutes of  
Health, Bethesda, Maryland 20205 (301/  
496-1148) will furnish substantive  
program information.

Dated: January 19, 1984.

Betty J. Beveridge,

Committee Management Officer, National  
Institutes of Health.

[FR Doc. 84-2567 Filed 1-30-84; 8:45 am]

BILLING CODE 4140-01-M

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of the Secretary

[Docket No. N-84-1137]

#### Notice of Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information  
collection requirements described below  
have been submitted to the Office of  
Management and Budget (OMB) for

review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

#### Notice of Submission of Proposed Information Collection to OMB

**Proposal:** Report on Low Occupancy, Low-Income Public Housing  
**Office:** Public and Indian Housing  
**Form Number:** HUD-51237  
**Frequency of Submission:** On Occasion  
**Affected Public:** State or Local Governments  
**Estimated Burden Hours:** 7,168  
**Status:** New

**Contact:** Edward C. Whipple, HUD, (202) 426-0744, Robert Neal, OMB, (202) 395-7316

**Proposal:** Nonjudicial Foreclosure of Multifamily Mortgages—Notice of Application  
**Office:** General Counsel  
**Form Number:** None  
**Frequency of Submission:** On Occasion  
**Affected Public:** Individuals or Households, Businesses or Other For-Profit, and Small Businesses or Organizations  
**Estimated Burden Hours:** 250  
**Status:** New  
**Contact:** John P. Kennedy, HUD, (202) 755-6568, Robert Neal, OMB, (202) 395-7316.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 12, 1984.

**Lea Hamilton,**

*Director, Office of Information Policies and Systems.*

[FR Doc. 84-2516 Filed 1-30-84; 8:45 am]

**BILLING CODE 4210-01-M**

[Docket No. N-84-1338]

#### Notice of Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD  
**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the

information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number is listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

#### Notice of Submission of Proposed Information Collection to OMB

**Proposal:** Financially Troubled Public Housing Agencies: Financial Workout Plan (FWP) and Quarterly Report on FWP Progress

**Office:** Public and Indian Housing  
**Form Number:** HUD-53331 and HUD-53332

**Frequency of Submission:** Quarterly, Semi-Annually, and Annually  
**Affected Public:** State or Local Governments

**Estimated Burden Hours:** 8,000  
**Status:** Revision

**Contact:** Roger Braner, HUD, (202) 755-7970; Robert Neal, OMB, (202) 395-7316.

**Proposal:** Survey of Shelters for Homeless Persons  
**Office:** Policy Development and Research

**Form Number:** None  
**Frequency of Submission:** On Occasion  
**Affected Public:** Non-Profit Institutions  
**Estimated Burden Hours:** 100  
**Status:** New

**Contact:** Martin Abravanel, HUD, (202) 755-5531; Robert Neal, OMB, (202) 395-7316.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 13, 1984.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 84-2415 Filed 1-30-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-84-727]

**Delegation of Authority to Assistant Secretary for Community Planning and Development**

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of delegation of authority.

**SUMMARY:** The Secretary of Housing and Urban Development ("the Secretary") is delegating his functions, powers, and duties to the Assistant Secretary for Community Planning and Development with respect to section 413 of the Housing and Urban Development Act of 1968, section 726 of the Housing and Urban Development Act of 1970, section 474 of the Housing and Urban-Rural Recovery Act of 1983 and any other functions, powers and duties which may affect the liquidation of the new communities program.

**EFFECTIVE DATE:** January 18, 1984.

**FOR FURTHER INFORMATION CONTACT:**

Grant E. Mitchell, Assistant General Counsel for New Communities, Room 10248, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6550 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 474(a) of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, 97 Stat. 1153, provides for the management and orderly liquidation of the assets, and discharge of the liabilities, acquired or incurred in connection with the new communities program authorized pursuant to title IV of the Housing and Urban Development Act of 1968 and title VII of the Housing and Urban Development Act of 1970 (hereafter referred to as "title IV" and "title VII", respectively). The liquidation of the new communities program is to be carried out pursuant to the provisions of law applicable to the Revolving Fund (Liquidating Programs) established pursuant to title II of the Independent Offices Appropriations Act, 1955, upon the transfer by the Secretary of the assets and liabilities in the revolving fund authorized under section 717 of title VII to such revolving fund, as required in title I of the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1984. Section 474(e) of the Housing

and Urban-Rural Recovery Act of 1983 repealed title IV, except for sections 408, 411, 413, 414, 416, and part B of title VII, except for sections 724, 725, 726, and subsections (b) through (e) of section 727. The New Community Development Corporation was abolished. Therefore, all remaining functions, powers and duties related to the new communities program are vested by statute in the Secretary.

Albert R. Diehl, by delegation of authority from the Secretary, has been exercising the interim new communities functions. These functions are now being transferred to the Assistant Secretary for Community Planning and Development.

Accordingly, the Secretary delegates as follows:

**Section A. Authority delegated.** The Assistant Secretary for Community Planning and Development is hereby delegated the authority of the Secretary with respect to the new communities program including the functions, powers and duties in section 413 of the Housing and Urban Development Act of 1968 (42 U.S.C. 3912), section 726 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4527), section 474 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181, 97 Stat. 1153) and any other functions, powers and duties which may affect the liquidation of the new communities program.

**Section B. Authority to redelegate.** Any of the authority delegated to the Assistant Secretary for Community Planning and Development under Section A may be redelegated by the Assistant Secretary to other employees of the Department.

**Section C. Supersedeure** This delegation revokes and supersedes the delegation of authority from the Secretary to Albert R. Diehl at 48 FR 55340, December 12, 1983.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: January 18, 1984.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 84-2514 Filed 1-30-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. N-84-1339]

**Privacy Act of 1974; Deletion of System of Records**

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Deletion of system of records.

**SUMMARY:** Notice is given that a Privacy Act system of records is deleted.

**EFFECTIVE DATE:** Date of publication.

**ADDRESS:** Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:** Arthur L. Stokes, Departmental Privacy Act Officer, Telephone 202-755-5320. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** HUD/DEPT-61, Mobile Home Standards Complaint, Production and Compliance Analysis System, does not meet the Privacy Act criteria and will no longer be maintained as a Privacy Act System of Records. The system was described in the *Federal Register* at 47 FR 54896 (November 4, 1981) and amended at 47 FR 17337 (April 22, 1982).

(5 U.S.C. 552a, 88 Stat. 1896, sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., January 17, 1984.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 84-2517 Filed 1-30-84; 8:45 am]

BILLING CODE 4210-32-M

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**Commission on Fair Market Value Policy for Federal Coal Leasing; Meeting**

**AGENCY:** Commission on Fair Market Value Policy for Federal Coal Leasing, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that the Commission on Fair Market Value Policy for Federal Coal Leasing will meet on February 1, 1984, to review and approve the final draft of its report to Congress. The location has not yet been confirmed. The meeting will begin at 8:00 a.m.

**FOR FURTHER INFORMATION CONTACT:** Wiley Horsley, Special Assistant to the Chairman, Commission on Fair Market Value Policy for Federal Coal Leasing, Suite 400, 1015 20th Street, NW., Washington, D.C. 20036. Phone: (202) 632-6501.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to the authority and requirements of Pub. L. 98-63, approved July 30, 1983, making supplemental appropriations for fiscal year 1983, and for other purposes, and in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

The Commission will meet at 8:00 a.m. on February 1, 1984, to review and approve the final draft of its report to

Congress. The location of the meeting has not yet been confirmed. Interested parties should call the Commission office (632-6501) for details.

Dated: January 30, 1984.

David F. Linowes,  
Chairman.

[FR Doc. 84-2795 Filed 1-30-84; 10:34 am]  
BILLING CODE 4310-10-M

## Bureau of Land Management

[AA-6680-B]

### Alaska Native Claims Selection; Paug-Vik Inc., Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601 (1976)) (ANCSA), will be issued to Paug-Vik Incorporated, Limited, for approximately 2.41 acres. The lands involved are within T. 17 S., R. 45 W., Seward Meridian, U.S. Survey No. 4688, Alaska:

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Anchorage Times upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 Code of Federal Regulation (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 1, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the matter of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Regional Director, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802.

Paug-Vik Incorporated, Limited, P.O. Box 61, Naknek, Alaska 99633.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99752.

Helen Burleson,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-2553 Filed 1-30-84; 9:45 am]

BILLING CODE 4310-JA-M

[A-18634]

### Public Lands Exchange; Mohave County, Arizona

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 18 W.

Section 6: Lots 1 thru 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  (Excluding the following millsites: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  SE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$  SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ );

Section 8: All (Excluding millsite in W $\frac{1}{2}$  NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ );

Section 18: Lots 1 thru 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$  (Excluding millsite in W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  NW $\frac{1}{4}$ ).

Section 20: All;

Section 28: All;

Section 30: Lots 1 thru 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ .

T. 20 N., R. 19 W.

Section 2: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;

Section 12: All;

Section 14: All;

Section 24: All;

Section 26: All;

Section 38: All.

T. 21 N., R. 19 W.

Section 22: All;

Section 28: All.

Comprising 8,931.01 acres, more or less.

In exchange for these lands, the United States will acquire the following described land from Jack Wilson of Kingman, Arizona.

Gila and Salt River Meridian, Arizona

T. 14 N., R. 15 W.

Section 1: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;

Section 13: N $\frac{1}{2}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 14 N., R. 14 W.

Section 1: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;

Section 3: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;

Section 5: Lots 1 thru 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ .

T. 15 N., R. 14 W.

Section 5: Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$  NW $\frac{1}{4}$ ;

Section 7: Lots 1 thru 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;

Section 15: All;

Section 17: N $\frac{1}{2}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Section 19: All;

Section 21: All;

Section 23: E $\frac{1}{2}$ , E $\frac{1}{2}$ , W $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Section 25: All;

Section 27: All;

Section 29: All;

Section 31: Lots 1 thru 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;

Section 33: All;

Section 35: All.

T. 15 N., R. 15 W.

Section 1: Lots 1 thru 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Section 13: All;

Section 25: E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ .

Comprising 12,767.23 acres, more or less.

The purpose of the exchange is to acquire the non-federal land that contains highly diversified wildlife habitat and provides potential for recreation management opportunities near the southern expanse of the Hualapai Mountains southeast of Kingman, Arizona. The exchange is consistent with the Black Mountain Management Framework Plan and the public interest will be well served.

The above lands will be subject to an appraisal to determine the value of the lands to be exchanged. The listed lands may change to reflect equal value following the completion of the appraisal.

Lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. A reservation to the United States of all minerals together with the right to prospect for, mine and remove same under the applicable laws and regulations.

3. Reservations to the United States for the fenceline and pipeline rights-of-way, A-18996 and A-18997, issued under the authority of Title V, Section 507 of the Act of October 21, 1976 (43 U.S.C. 1767).

4. A reservation for powerline right-of-way PHX-083786 as provided under the authority of the Act of December 5, 1924 (43 Stat. 704; 43 U.S.C. 417).

5. A reservation for powerline right-of-way A-16998 as provided under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

6. Subject to such rights for coal slurry pipeline right-of-way A-438 as provided under the authority of the Act of February 15, 1901 (31 Stat. 790, as amended; 43 U.S.C. 959).

7. Subject to such rights for powerline right-of-way A-16822 as provided under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

8. Subject to such rights for telephone line right-of-way PHX-079765 as provided under the authority of the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

9. Subject to such road rights-of-way secured under the authority of RS 2477 by Mohave County Board of Supervisor's Resolution No. 947 (Bk. 380 of O.R., Pg. 874).

10. Subject to such rights for roadway right-of-ways A-18998 thru A-19012, inclusive, as provided under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

11. Subject to whatever restrictions may be imposed by the County Floodplain Administrator in accordance with the "Amended Floodplain Regulations For The Unincorporated Area of Mohave County, Arizona," as adopted by the Mohave County Board of Supervisors by Resolution No. 82-1 of May 17, 1982, and Recorded in Book 824, Page 895 of Official Records, Mohave County, Arizona.

12. Subject to oil and gas leases A-11262, A-11893, A-11894, A-13838, A-13838A, A-13839, A-13853, A-13853A, and A-14776 and any authorized extensions thereof.

Private lands to be acquired by the United States will be subject to the

following reservations, terms and conditions:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Book 71 of Deeds, page 495, Mohave County, Arizona.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of this Notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action, and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Dated: January 19, 1984.

**Marlyn V. Jones,**  
*District Manager.*

[FR Doc. 84-2528 Filed 1-30-84; 8:45 am]

**BILLING CODE 4310-32-M**

#### **Realty Action; Noncompetitive Lease of Public Lands in Rio Blanco County, Colorado**

The following described public land is being considered for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 93 U.S.C. 1732) at the appraised fair market rental:

##### **Sixth Principal Meridian**

T. 2 N., R. 93 W.,

Sec. 5, lot 4;

Sec. 6, N $\frac{1}{2}$ .

T. 3 N, R. 93 W.,

Sec. 29, lots 3, 5, 8, 9, 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ ,

SE $\frac{1}{4}$ SW $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 30, lot 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 31, all;

Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .

The area described aggregates approximately 2,040 acres in Rio Blanco County, Colorado. The land is located approximately 10 miles north of Meeker, Colorado.

Lease of the above-described lands has been proposed by Consolidation Coal Company of Englewood, Colorado,

for the permanent stockpiling of overburden generated by their proposed coal mining operations. Their proposed mine involves Federal lands and minerals within the Danforth Hills No. 3 tract and is located immediately north of the proposed stockpile area.

The proposed lease would be dependent upon Consolidation Coal filing a lease application including information required by Title 43 Code of Federal Regulations, § 2920.52. The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7.

Information about the proposal can be reviewed in the Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625, telephone (303) 824-8261.

The applicant will be required to reimburse the United States for reasonable administrative and other cost incurred by the United States in processing the application and for monitoring use, construction, operation, maintenance and rehabilitation of the proposed lease area. The reimbursement of cost would be in accordance with the provisions of 43 CFR 2920.6.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Craig District Office, 455 Emerson street, Craig, Colorado 81625. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination.

Dated: January 16, 1984.

**Lee Carie,**

*District Manager, Craig District Office.*

[FR Doc. 84-2595 Filed 1-30-84; 8:45 am]

**BILLING CODE 4310-JB-M**

#### **Federal-State Coal Advisory Board; Meeting**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice is to inform the public that the Federal-State Coal Advisory Board will be meeting in Denver, Colorado, on February 15, 1984, and, if needed, on February 16, 1984. The public is welcome to attend. The board will review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing and will prepare its findings for consideration by the Secretary of the Interior.

**DATE:** The board will meet at 8:30 a.m. on February 15, 1984, and, if necessary,

will continue at 8:30 a.m. on February 16, 1984.

**ADDRESS:** The meeting will be held at the Holiday Inn—Downtown, 1450 Glenarm Place, Denver, Colorado 80202, telephone (303) 573-1450.

**FOR FURTHER INFORMATION CONTACT:**

Myra Musialkiewicz, Division of Solid Mineral Leasing (202/FTS 343-6821), or Erick Kaarala, Resource Evaluation and Program Development Staff (202/FTS 343-4537), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

**SUPPLEMENTARY INFORMATION:** The Federal-State Coal Advisory Board is chartered under the Federal Advisory Committee Act and advises the Secretary and the Director on the Federal coal management program.

The advisory board will meet on February 15, 1984, and, if necessary, on February 16, 1984, to review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing, particularly future leasing schedules. This meeting is the result of a recommendation made by the board at its December 1983 meeting to provide the Secretary with its findings on the report in accordance with the board's responsibilities for providing advice on the Federal coal program and a recommendation to review future leasing schedules.

Copies of the Commission's report are to be requested from: Commission on Fair Market Value Policy for Federal Coal Leasing, Suite 400, 1015 20th Street, NW., Washington, D.C. 20036 (202) 632-6501.

The public will have the opportunity to address the board regarding the Commission's report during the public comment period that is currently scheduled for early afternoon on February 15, 1984. However, the time for the comment period can either be advanced or delayed depending on the flow of board business.

Written copies of a speaker's remarks, although not required, would be appreciated. All comments will become part of the permanent record of the advisory board meeting. The chairperson may impose a time limit to ensure that all those wishing to address the board are heard.

Dated: January 24, 1984.

**Arnold E. Petty,**

*Acting Associate Director, Bureau of Land Management.*

[FR Doc. 84-2561 Filed 1-30-84; 8:45 am]

**BILLING CODE 4310-84-M**

**Fairbanks District Advisory Council; Meeting**

The Advisory Council for the Fairbanks District of the Bureau of Land Management will have a general meeting on March 2, 1984. The location of the meeting will be the second floor training room at the BLM offices at Fort Wainwright, Gaffney and Marks Road. The meeting will convene at 8:30 a.m. and conclude at 5 p.m. Public comments will be received by the Council from 2 p.m. to 3 p.m.

The following topics will be discussed at the meeting:

1. Access and rights-of-way in the Steese National Conservation Area and the White Mountains National Recreation Area.
2. The 1008 study process.
3. The Environmental Impact Statements for the Steese and White Mountains areas.
4. The Central Yukon Resource Management Plan.
5. The Koyukuk-Seward and Koyuk Fire Management Plans.
6. Activities within the National Petroleum Reserve-Alaska.
  - a. Preference rights coal lease for Morgan Coal Company.
  - b. Fourth NPR-A lease sale.
  - c. The Habitat Management Plan for the Teshukpuk Lake area.
7. Activities within the oil pipeline utility corridor.
8. The Fortymile Resource Area reorganization.

All meetings and activities of the Council are open to the public.

**Carl D. Johnson,**

*District Manager.*

[FR Doc. 84-2596 Filed 1-30-84; 8:45 am]

**BILLING CODE 4310-84-M**

[U-48012]

**Order Providing for Opening of Public Lands; Utah**

In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the surface estate only of the following described lands has been reconveyed to the United States:

**Salt Lake Meridian, Utah**

- T. 5 S., R. 3 E.,  
 Sec. 33, lot 2, excluding that portion deeded to the Utah State Road Commission, recorded 1-21-1971 as entry No. 752 in Utah County.
- T. 6 S., R. 3 E.,  
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
 Aggregating 117.08 acres in Utah County.

Upon acceptance of title (dated May 18, 1982) to the lands, they became part of the Uinta National Forest, and are subject to all the laws, rules, and regulations applicable thereto.

At 10:00 a.m., on February 24, 1984, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Forest Supervisor, Uinta National Forest, 88 West 100 North, Provo, Utah 84601.

Dated: January 23, 1984.

**Orval L. Hadley,**

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 84-2589 Filed 1-30-84; 8:45 am]

**BILLING CODE 4310-DQ-M**

**Filing of Plat of Survey; New Mexico**

January 20, 1984.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on January 16, 1984.

**New Mexico Principal Meridian**

A dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines in T. 3 N., R 5 E., NMPM, under Group 825, and was accepted January 16, 1984.

This survey was requested by the Cibola National Forest, Albuquerque, New Mexico.

The plat will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of \$2.50 per sheet.

**Gary S. Speight,**

*Chief, Branch of Cadastral Survey.*

[FR Doc. 84-2597 Filed 1-30-84; 8:45 am]

**BILLING CODE 4310-FB-M**

**Geological Survey**

**Revision of Terminology for Geologic Hazard Warnings**

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice describes changes in the terms and criteria used by the U.S. Geological Survey for issuing statements concerning geologic-related hazards to public officials and the public.

For the purpose of this statement, a geologic hazard is a geologic condition,

process, or potential event, such as an earthquake, volcanic eruption, or landslide, that poses a threat to the health, safety, or welfare of the public or to the functions or economy of a community or larger governmental entity. In this context a Geologic Hazard Warning is a formal statement by the Director of the U.S. Geological Survey that discusses a specific geologic condition, process, or potential event that poses a significant threat to the public, and for which some timely response would be expected. Directives or advisories to the public to take action, based on a Geologic Hazard Warning, may be issued by officials of State and local governments, and other Federal agencies, with authority and responsibility to use such statements.

The term Hazard Warning is reserved for those situations posing a risk greater than normal and warranting considerations of a timely response in order to provide for public safety. Information regarding hazardous conditions that do not meet the criteria for a Hazard Warning may, however, also be sent to public officials as it becomes available. Transmittal of such information would not constitute a Hazard Warning.

1. The criteria for a Geologic Hazard Warning are:

- a. A degree of risk greater than normal for the area; or a hazardous condition that has recently developed or has only been recently recognized; and
- b. A threat that warrants consideration of a near-term public response.

2. A Geologic Hazard Warning, consists of:

- a. A description of the geologic or other pertinent conditions that cause the concern;
- b. Factors that indicate that such conditions constitute a potential hazard;
- c. Location or area that may be affected;
- d. Estimated severity and time of occurrence, if such estimates are justified by available information;
- e. If possible, a probabilistic statement on the likelihood of a given event or events within a specified time period; and
- f. A description of continued Geological Survey involvement and estimate of what and when additional information might be available.

If a life or property-threatening event is thought to be imminent, and immediate response is warranted by the public and public officials, the emergency nature of the Hazard Warning will be stated clearly either in the heading or the first sentence of the text of the warning statement. If the

immediate crisis passes, either with or without the anticipated event, a revised statement will be issued to reflect the changed conditions and a re-evaluation of the geologic hazard.

These changes in the terms and criteria do not entail or imply any changes to the procedures the U.S. Geological Survey uses to notify State and local governments, other Federal agencies, the public, or the news agencies and services.

**SUPPLEMENTARY INFORMATION:** The Federal Register of April 12, 1977, Vol. 42, No. 70, pages 19292 to 19296 describes the previous terminology as well as the U.S. Geological Survey's authority to issue warnings of geologic-related hazards, capabilities to predict hazardous events, and provisional procedures to report hazardous conditions.

Dated: January 24, 1984.

James F. Devine,

Assistant Director for Engineering Geology.

[FR Doc. 84-2592 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-31-M

#### National Park Service

##### Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, February 22, 1984, at the Student Center, Tamalpais High School, Mill Valley, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman  
 Ms. Amy Meyer, Vice Chair  
 Mr. Ernest Ayala  
 Mr. Richard Bartke  
 Mr. Fred Blumberg  
 Ms. Margot Patterson Doss  
 Mr. Jerry Friedman  
 Ms. Daphne Greene  
 Mr. Peter Haas, Sr.  
 Mr. Burr Heneman  
 Mr. John Jacobs  
 Mr. John Mitchell  
 Ms. Gimmy Park Li  
 Mr. Merritt Robinson  
 Mr. John J. Spring  
 Dr. Edgar Wayburn  
 Mr. Joseph Williams

The major agenda items for this meeting will be the Mill Valley Air Force Station and the Point Reyes Committee report.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123; telephone (415) 556-2920.

Minutes of the meeting will be available for public inspection by March 22, 1984 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: January 20, 1984.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 84-2619 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-70-M

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 20, 1984. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 15, 1984.

Carol D. Shull,

Chief of Registration National Register.

#### ARIZONA

##### Maricopa County

Phoenix vicinity, *Hedgpeeth Hills Petroglyph Site*, N of Beardsley Rd. and 43rd Ave.  
 Phoenix, *Encanto-Palmcroft Historic District*, Bounded by N. 7th and N. 15th Aves., McDowell and Thomas Rds.

#### COLORADO

##### Boulder County

Boulder vicinity, *Swedish Evangelical Lutheran Church of Ryssby*, N. 63rd St.

##### Denver County

Denver, *Orlando Flats*, 2330 Washington St.

##### Pueblo County

Pueblo, *Star Journal Model Home*, 2920 High St.

**CONNECTICUT***Fairfield County*

Ridgefield, *Hyatt, Thomas, House*, 11 Barlow Mountain Rd.  
 Ridgefield, *June, Lewis, House*, 478 N. Salem Rd.

*Litchfield County*

Salisbury, *Scoville Powerhouse*, Twin Lakes and Beaver Dam Rds.  
 Thomaston, *Trinity Church*, Main St.  
 Torrington, *Warner Theater*, 68-82 Main St.

*Tolland County*

Vernon, *Minterburn Mill*, 215 E. Main St.

*Windham County*

Woodstock, *Woodstock Academy Classroom Building*, Academy Rd.

**GEORGIA***Habersham County*

Cornelia vicinity, *Chenocetah Fire Tower*, Chenocetah Mountain

**IDAHO***Comas County*

Fairfield vicinity, *Skillern, John, House*, NW of Fairfield

**ILLINOIS***Kane County*

Aurora, *Aurora College Complex (Eckhart, Davis and Wilkinson Halls)*, 347 S. Gladstone Ave.

**IOWA***Black Hawk County*

Waterloo, *Highland Historic District*, Roughly bounded by Independence Ave., Steely, Idaho, and Vine Sts.

**MAINE***Cumberland County*

Portland, *Western Promenade Historic District*, Roughly bounded by Western Promenade and Bramhall, Brackett, Emery, and Danforth Sts.

**MICHIGAN***Genesee County*

Flint, *Paterson, William A., Factory Complex*, 126 E. 3rd St.

*Oakland County*

Pontiac, *Central School*, 101 E. Pike St.  
 Pontiac, *Eagle Theater*, 11-15 S. Saginaw St.  
 Pontiac, *Pontiac Commercial Historic District*, 1-29 N. Saginaw St., 5-29 W. Lawrence St. and 10-18 W. Pike St.

**MINNESOTA***Mahnomen County*

Mahnomen, *Mahnomen County Courthouse*, Main St. at Washington Ave.

*Nobles County*

Worthington, *Hotel Thompson*, 300-310 10th St.

*Otter Tail County*

Elizabeth, *Elizabeth City Hall and Jail*, Broadway Ave.

Pelican Rapids, *Blyberg, O.A.E., House*, 22 5th Ave. SW

*Ramsey County*

St. Paul, *Lee, Olaf, House*, 955 N. Jessie St.  
 St. Paul, *Schneider, Charles W., House*, 1750 E. Ames Pl.  
 St. Paul, *Schorinstein Grocery and Saloon*, 707 E. Wilson Ave. and 223 N. Bates Ave.

**MISSOURI***Marion County*

Hannibal vicinity, *Barkley, Levi, House*, W of Hannibal  
 Palmyra, *Walker-Woodward-Schaffer House*, 1425 S. Main St.

*St. Louis (Independent City)*

Liggett and Myers (*Rice-Stix*) Building, 1000 Washington Ave.  
 Sugar Loaf Mound, 4414 and 4420 Ohio Ave.

*St. Louis County*

Pine Lawn, *Pine Lawn Carriage House*, 6292-94 Stillwell Dr.  
 St. Louis vicinity, *Jarville*, 1723 Mason Rd.  
 University City/St. Louis (Independent City), *Delmar Loop-Parkview Gardens Historic District*, Roughly bounded by Kingsland Ave., North Dr., Delmar Blvd., and Eastgate

**NEW JERSEY***Camden County*

Merchantville, *Collins and Pancoast Hall*, 4-8 S. Centre St.

*Passaic County*

Paterson, *Danforth Memorial Library*, 250 Broadway

**NEW MEXICO***Bernalillo County*

Albuquerque, *Hilton Hotel*, 125 2nd St., NW

*Eddy County*

Artesia, *Acord, John, House (Artificial Stone Houses of Artesia TR)*, 801 W. Main St.  
 Artesia, *Atkeson, Willie D., House (Artificial Stone Houses of Artesia TR)*, 303 W. Grand Ave.

Artesia, *Baskin, William, House (Artificial Stone Houses of Artesia TR)*, 811 W. Quay Ave.

Artesia, *Gesler, Edward R., House (Artificial Stone Houses of Artesia TR)*, 411 W. Missouri Ave.

Artesia, *Hodges-Runyan-Brainard House (Artificial Stone Houses of Artesia TR)*, 504 W. Quay Ave.

Artesia, *Hodges-Sipple House (Artificial Stone Houses of Artesia TR)*, 804 W. Missouri Ave.

Artesia, *Lukins, F. L., House (Artificial Stone Houses of Artesia TR)*, 801 W. Richardson Ave.

Artesia, *Mauldin-Hall House (Artificial Stone Houses of Artesia TR)*, 501 S. Roselawn Ave.

Artesia, *Moore-Ward Cobblestone House*, 505 W. Richardson Ave.

Artesia, *Ross, Dr. Robert M., House (Artificial Stone Houses of Artesia TR)*, 1002 S. Roselawn Ave.

**OREGON***Coos County*

Coos Bay, *Tower-Flanagan House*, 476 Newmark Ave.

*Jackson County*

Medford, *Hillcrest Orchard Historic District*, 3285 Hillcrest Rd.

*Multnomah County*

Portland, *Harmon-Neils House*, 2642 NW Lovejoy St.  
 Portland, *New Heathman Hotel*, 712 SW Salmon St.  
 Troutdale, *Harlow, Fred, House*, 726 E. Columbia St.

**PUERTO RICO***San Juan County*

Guaynabo, *Caparra*, PR 2

**TENNESSEE***Davidson County*

Nashville, *Longleaf*, 5819 Hillsboro Rd.

**TEXAS***Harris County*

Spring, *Wunsche Bros. Saloon and Hotel*, 103 Midway St.

*Liberty County*

Liberty, *Cleveland-Partlow House*, 2131 Grand Ave.

*Tarrant County*

Fort Worth, *Fort Worth Elks Lodge 124*, 512 W. 4th St.

**VIRGINIA***Charlottesville (Independent City)*

Rugby Road-University Corner Historic District, Roughly bounded by University Ave., Wayside Pl., 14th St., and US 29

**WISCONSIN***La Crosse County*

La Crosse, *Roosevelt, W. A., Company*, 230 N. Front St.

[FR Doc. 84-2618 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-70-M

**Office of Surface Mining Reclamation and Enforcement****Determination of Valid Existing Rights Within the Otter Creek Wilderness Area of the Monongahela National Forest**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Request for additional comments.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is

reopening the comment period on the request of the Otter Creek Coal Company that OSM determine that the company's proposed underground coal mining operation on Federal lands in the Otter Creek Wilderness Area, West Virginia, is not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The company has specifically requested that OSM determine that Otter Creek has valid existing rights under that section of the Act. On April 19, 1983, OSM gave notice of receipt of the request and established a comment period through July 18, 1983. See 48 FR 16763 (April 19, 1983). OSM solicited additional public comments on the application in the June 3, 1983, **Federal Register** (48 FR 25012). Further, OSM promulgated revised criteria for determining the existence of valid existing rights (VER) (48 FR 41312; September 14, 1983). On October 6, 1983, OSM reopened the comment period until November 7, 1983, so that the public could review the complete administrative record and comment on Otter Creek's application in light of the revised criteria for VER and various other material placed in the administrative record in the intervening time period (48 FR 45622). On November 14, 1983, counsel for the Otter Creek Coal Company filed additional comments by letter.

OSM is reopening the comment period so that the public may review the November 14, 1983, letter and comment thereon. Comments on other matters will not be considered.

**DATE:** Written comments will be accepted until 5:00 p.m., e.s.t., on February 15, 1984.

**ADDRESSES:** Documents comprising the administrative record are available for public review and copying during regular business hours at the address below. Copies of relevant notices may be obtained at the same location.

Administrative Record Room, Room 5315, Office of Surface Mining, Department of the Interior, 1100 L Street NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Richard Robinson, Branch of Regulatory Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone (202) 343-5866.

**SUPPLEMENTARY INFORMATION:** Otter Creek Coal Company (the company or Otter Creek) initially filed an action in the United States Court of Claims pursuant to the just compensation clause of the Fifth Amendment to the U.S. Constitution and 28 U.S.C. 1491,

seeking compensation for the alleged taking by inverse condemnation by the United States of its mineral estate underlying the Otter Creek Wilderness Area (OCWA) in Randolph and Tucker counties, West Virginia. Among other things, the company alleged that the Act prohibits all surface coal mining within the OCWA, thereby depriving Otter Creek of all use or enjoyment of its property, requiring the payment of compensation.

In subsequent judicial proceedings, the United States Court of Claims ordered the company to file an application for a valid existing rights (VER) determination pursuant to Section 522(e) of the Act. If OSM grants Otter Creek's VER application, then the company would be exempt from the Section 522(e) restrictions on mining in the OCWA; however, its operations would remain subject to the permitting and performance standards of the Act.

Otter Creek complied with the court order by filing its VER application on January 28, 1983; OSM announced receipt of the application and solicited public comment in the April 19, 1983, **Federal Register**, 48 FR 16763. OSM subsequently published a second notice in the **Federal Register** (June 3, 1983; 48 FR 25012) identifying and soliciting comments on certain related matters.

On October 6, 1983, OSM reopened the comment period until November 7, 1983, so that the public could review the complete administrative record and comment on Otter Creek's VER application in light of OSM's revised VER criteria and various other material placed in the administrative record in the intervening time period since the publication of the June 6, 1983, notice. On November 14, 1983, after the close of the comment period, counsel for the Otter Creek Coal Company filed additional comments by letter.

OSM is reopening the comment period to ensure that the public has an adequate opportunity to review and comment on the November 14, 1983 letter. Comments relating to other matters will not be considered. This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of SMCRA.

Dated: January 26, 1984.

**William B. Schmidt,**

*Assistant Director Program Operations and Inspection*

[FR Doc. 84-2625 Filed 1-30-84; 8:45 am]

BILLING CODE 4310-05-M

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30349]

### Colorado and Eastern Railroad; Purchase Exemption; Colorado and Eastern Railway; Exemption

Colorado and Eastern Railroad (C&ERR) and Colorado and Eastern Railway (C&ERY) filed a notice of exemption for C&ERR to purchase 3 rail lines from C&ERY. C&ERR and C&ERY are controlled by Gary W. Flanders.

C&ERR was created to acquire and operate the involved lines because of questions regarding whether C&ERY was correctly incorporated under the applicable Colorado incorporation laws and could thus lawfully conduct operations.

This is a transaction within a corporate family of the type specifically exempted from the necessity of prior review and approval under 49 CFR 1180.2(d)(3). It will not result in adverse changes in service levels, significant operational changes or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption, any employee affected by the purchase shall be protected pursuant to New York *Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Decided: January 20, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

**James H. Bayne,**  
*Acting Secretary.*

[FR Doc. 84-2579 Filed 1-30-84; 8:45 am]

BILLING CODE 7035-01-M

[AB 228 SDM]

### Chelatchie Prairie Railroad, Inc.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1152.13, that the Chelatchie Prairie Railroad, Inc. has filed with the Commission its amended color-coded system diagram map in docket No. AB 228 SDM. The Commission on January 16, 1984, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be

requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 228 SDM.

James H. Bayne,  
Acting Secretary.

[FR Doc. 84-2581 Filed 1-30-84; 8:45 am]  
BILLING CODE 7035-01-M

[AB 18 SDM]

**Chessie System Railroad; Amended System Diagram Map**

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1152.13, that the Chessie System Railroad has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 SDM. The Commission on January 14, 1984, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 SDM.

James H. Bayne,  
Acting Secretary.

[FR Doc. 84-2580 Filed 1-30-84; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 30372]

**Railroad Services; Virginia Central Railway Abandonment Exemption; in Fredericksburg, VA**

**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 Virginia Central Railway in the City of Fredericksburg, VA.

**DATES:** This exemption will be effective on March 1, 1984. Petitions to stay must be filed by February 10, 1984, and petitions for reconsideration must be filed by February 21, 1984.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 30372 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: David E. Wasserstrom, Suite 318, Noble Plaza, 801 Old York Road, Jenkintown, PA 19046

**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: January 23, 1984.

By the Commission, Chairman Taylor, vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,  
Acting Secretary.

[FR Doc. 84-2582 Filed 1-30-84; 8:45 am]  
BILLING CODE 7035-01-M

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

**Date, Time and Place**

February 14, 1984, 9:30 a.m., Rm. S4215 A & B  
Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

**Purpose:** To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Acting Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, January 20, 1984.

Signed at Washington, D.C., this 20th day of January 1984.

Robert W. Searby,  
Deputy Under Secretary, International Affairs.

[FR Doc. 84-2676 Filed 1-30-84; 8:45 am]  
BILLING CODE 4510-28-M

**Employment and Training Administration**

[Employment and Training Order No. 2-84;]

**Federal-State Unemployment Compensation Program; Redlegation of Authority; Correction**

Employment and Training Order No. 2-84, redelegating certain authority to the Director of the Unemployment Insurance Service in the Employment and Training Administration, was published in the *Federal Register* on December 16, 1983, 48 FR 55931. As issued and published the ET Order carried the date "November 15, 1984" as the date of issuance. This date is in error, and by this notice is corrected to read "November 15, 1983". The ET Order was, by its terms, effective on the date of publication in the *Federal Register*, December 16, 1983, and it remains effective as of that date.

Date: January 25, 1984.

Patrick J. O'Keefe,  
Acting Deputy Assistant Secretary of Labor.

[FR Doc. 84-2677 Filed 1-30-84; 8:45 am]  
BILLING CODE 4510-30-M

**Job Training Partnership Act; Program Year 1984 Transition Period; State Allotments for Migrant and Seasonal Farmworker Programs**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This Notice announces the Program Year 1984, July 1, 1984 through June 30, 1985, allocations to States for programs funded under Title IV, Section 402 of the Job Training Partnership Act (JTPA) (Pub. L. 97-300) of October 13, 1982.

Direct questions and comments to: Paul A. Mayrand, Acting Director, Office of Special Targeted Programs, 601 D Street, NW., Room 6122, Washington, D.C. 20213, Phone: 202/376-6225. Written comments are to be postmarked no later than 30 days from the date of publication of this Notice.

**SUPPLEMENTARY INFORMATION:** This Fiscal Year 1984 Department of Labor (DOL) appropriation, Pub. L. 98-139 was signed by the President on October 31,

1983. This appropriation provides funds for the 9 month transition period of October 1, 1983 through June 30, 1984, and for the program year July 1, 1984 through June 30, 1985, for programs under JTPA and for the Employment Service under Wagner-Peyser Act, as amended.

On December 7, 1983, the Department published Migrant and Seasonal Farmworker State allocations for the 9 month transition period. For that period, 75 percent of the annualized allocation of \$57,986,000 or \$43,489,739 was distributed to the States. In the December 7, announcement the Department expressed its intent to publish the 12 month State allocations at a later date. This Notice hereby contains the State allocations for that 12 month period, i.e., July 1, 1984 through June 30, 1985. These allocations reflect the second year application of a 75 percent hold-harmless factor. The 9 month transitional allocations represented the first year application of a hold-harmless factor. It is proposed that Program Year 1985 allocations will incorporate a third and final hold-harmless factor. All allocations after that year will result from an unrestricted application of 1980 Census data. Therefore, no State allocation will receive less than 75 percent of the annualized amount contained in the Notice of December 7, 1983. All States for which population entitlement would provide a level of \$60,000 but less than \$120,000 have been allocated at a minimum level of \$120,000. States which would receive less than \$60,000 by application of the formula will receive an allocation (Rhode Island, Alaska, and the District of Columbia) since the amount they would receive is deemed insufficient to run an effective program. Individual State allocations are as follows:

Alabama.....	\$827,645
Arizona.....	802,913
Arkansas.....	1,204,809
California.....	7,880,963
Colorado.....	700,356
Connecticut.....	253,519
Delaware.....	120,000
Florida.....	2,804,843
Georgia.....	1,666,956
Hawaii.....	120,000
Idaho.....	792,910
Illinois.....	1,412,789
Indiana.....	1,075,489
Iowa.....	1,942,257
Kansas.....	1,192,945
Kentucky.....	1,149,561
Louisiana.....	784,681
Maine.....	305,878
Maryland.....	289,099
Massachusetts.....	232,425

Michigan.....	1,022,158
Minnesota.....	1,839,420
Mississippi.....	1,420,697
Missouri.....	1,207,101
Montana.....	689,989
Nebraska.....	1,436,952
Nevada.....	120,000
New Hampshire.....	120,000
New Jersey.....	316,913
New Mexico.....	352,583
New York.....	1,432,988
North Carolina.....	2,891,199
North Dakota.....	862,171
Ohio.....	1,210,046
Oklahoma.....	799,964
Oregon.....	802,913
Pennsylvania.....	1,289,454
South Carolina.....	986,034
South Dakota.....	557,183
Tennessee.....	1,034,635
Texas.....	4,425,933
Utah.....	218,240
Vermont.....	214,072
Virginia.....	982,080
Washington.....	1,352,250
West Virginia.....	225,080
Wisconsin.....	1,784,395
Wyoming.....	187,460
Puerto Rico.....	2,644,052
National total.....	57,986,000

The allocations announced herein are consistent with the Act and the regulations and are based on the best data available to the Department as determined by the Secretary. Organizations eligible to receive these funds were previously selected and designated through a competitive process for the performance period of October 1, 1983 through June 30, 1985. Planning instructions to accompany the allocations published herein will be made available to organizations concerned on February 10, 1984.

To insure timely negotiations and funding by July 1, 1984, grant applications are due at the Department by April 2.

Signed at Washington, D.C., this 24th day of January, 1984.

Paul A. Mayrand,

Acting Director, Office of Special Targeted Programs.

[FR Doc. 84-2668 Filed 1-30-84; 9:45 am]

BILLING CODE 4510-30-M

### Federal-State Unemployment Compensation Program; Extended Benefits; Period in Alaska

This notice announces the beginning of a new Extended Benefit Period in Alaska, effective on January 22, 1984.

### Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

### Determination of "On" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on January 7, 1984, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on January 22, 1984.

### Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the

State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on January 25, 1984.

Patrick J. O'Keefe,

Acting Deputy Assistant Secretary for  
Employment and Training.

#### Mine Safety and Health Administration

[Docket No. M-83-163-C]

##### Eastern Coal Corporation; Petition for Modification of Application of Mandatory Safety Standard

Eastern Coal Corporation, P.O. Box 219, Stone, Kentucky 41567 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its A-5 Mine (I.D. No. 15-07132) 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. Present coal mining height ranges from 41½ to 60½ inches. Two by eight inch wooden cap blocks are used in conjunction with six by six inch bearing plates where needed. Undulations, dips and rolls have been encountered numerous times in the coal seam.
3. Petitioner states that the use of canopies on the mine's electric face equipment in mining heights 50 inches and below would result in a diminution of safety for the miners affected because:
  - a. The canopies dislodge roof support and curtain boards;
  - b. The operator can strike his or her head, neck, and body parts against the canopy;

c. The canopies damage suspended cables, increasing fire and shock hazards;

d. The canopies hinder the equipment operator's visibility, forcing the operator to lean out from under the canopy, exposing body parts to potential injury; and

e. The canopies cause a cramped operator compartment, increasing operator fatigue and 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 March 1, 1984. Copies of the petition are available for inspection at that address.

Dated: January 24, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations  
and Variances.

[FR Doc. 84-2671 Filed 1-30-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-2-C]

##### Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75-326 (aircourses and belt haulage entries) to its No. 7 Mine (I.D. No. 01-01401) located in Tuscaloosa County, Alabama. 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. On November 21, 1980, petitioner was granted a modification of 30 CFR 75.326 to use belt haulage entries as intake aircourses to ventilate active working places (docket number M-80-100-C).
2. This petition concerns that requirement of 30 CFR 75.326 that intake and return aircourses be separated from belt haulage entries.
3. Conditions in the mine require high volumes of intake air to dilute the large quantity of methane liberated from the coal at the working face, and to remove the methane from the return airways.
4. As an alternate method, petitioner proposes to install haulage tracks in the

same entries with the belts. Petitioner will isolate the belt entries used as intake entries from other intake and return entries with continuous permanent-type stoppings. In heavy or caving areas, timbers laid longitudinally "skin to skin" may be used. Such permanent stoppings will be erected between the intake and return aircourses in entries and will be maintained to and including the third connecting crosscut outby the face of the entries, except that when the belt haulage entry and the track entry are in the same entry, the stopping immediately outby the belt feeder separating the intake escapeway from the belt haulage/track entry will not be constructed. An early warning fire detector sensor will be installed to monitor the airstream in the belt/track immediately outby the stopping not constructed. The signal from the monitor sensor will be transmitted automatically to the working section and to a manned location on the surface where personnel on duty have two-way communications with all persons who may be endangered. Such signal will be activated when the level of carbon monoxide exceeds 10 ppm above the ambient level for the mine.

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 March 1, 1984. Copies of the petition are available for inspection at that address.

Dated: January 17, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations  
and Variances.

[FR Doc. 84-2673 Filed 1-30-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-171-C]

##### Monterey Coal Company; Petition for Modification of Application of Mandatory Safety Standard

Monterey Coal Company, P.O. Box 496, Carlinville, Illinois 62626 has filed a petition to modify the application of 30 CFR 77.216-3 (water, sediment, or slurry impoundments and impounding

structures, inspection requirements; correction of hazards; program requirements) to its Wayne Mine (I.D. No. 46-05121) located in Wayne County, West 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 all water, sediment, or slurry impoundments which meet the requirements of 30 CFR 77.216(a) be examined by a qualified person at intervals not exceeding seven days for appearances of structural weakness or other hazardous conditions, and that all instruments be monitored at intervals not exceeding seven days.

2. Petitioner has drained all of the water impounded by its Fresh Water Dam, and proposes as an alternate method, an inspection interval of every three months in lieu of every seven days as required by the standard.

3. In support of this request, petitioner states that:

a. The water level in the Fresh Water Lake has been lowered from the normal pool elevation of 867 feet above sea level (ASL) to 823 feet ASL, leaving only puddles of water in the impoundment area;

b. Although the water level will fluctuate upward during rainfall, the volume of water is expected to exceed 20 acre feet only infrequently, and for short periods of time until the water drains out through a sluice gate that is left in an open position;

c. All operations at the Wayne Mine have been temporarily suspended, thereby significantly reducing exposure of personnel to potential embankment distress; and

d. When mining operations resume and the Fresh Water Lake is filled, this proposed alternate inspection and monitoring interval would no longer apply.

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 March 1, 1984. Copies of the petition are available for inspection at that address.

Dated: January 23, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-2675 Filed 1-30-84; 8:45 am]

BILLING CODE 4510-43-M

#### [Docket No. M-83-148-C]

#### Olaf Coal Company; Petition for Modification of Application of Mandatory Safety Standard

Olaf Coal Company, 1475 Scott Street, Kulpmont, Pennsylvania 17834 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescue devices) to its No. 1 Slope (I.D. No. 36-07469) 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 each operator make available to each person who goes underground a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. The deepest penetration from the mine portal to the actual working face is less than 2,000 feet; the mine can be evacuated in less than 15 minutes.

3. The mine is always damp to very wet and all underground equipment is operated by compressed air; therefore, the possibility of a fire is remote. However, should a fire occur anywhere on the intake side of the mine, it would be discovered immediately because one miner is always on the gangway level loading and transporting coal. If a fire should occur in the return airways, the miners could escape out the gangway and up the haulage slope in intake air.

4. Petitioner states that the devices are too heavy, bulky and cumbersome to be worn safely in the heavily pitching anthracite mine. Sections of the mine are subjected to freezing temperatures, making constant availability of the devices questionable. The wet mine conditions make it very difficult to locate a suitable, dry storage location for the devices. The miners are equipped with filter-type self-rescue devices.

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 March 1, 1984. Copies of the petition are available for inspection at that address.

Dated: January 24, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-2670 Filed 1-30-84; 8:45 am]

BILLING CODE 4510-43-M

#### [Docket No. M-83-170-C]

#### Saginaw Mining Company; Petition for Modification of Application of Mandatory Safety Standard

Saginaw Mining Company, P.O. Box 275, St. Clairsville, Ohio 43950 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Saginaw Mine (I.D. No. 33-00941) located in Belmont 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 requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. High humidity and the amount of airways to be maintained (more than nine miles) has caused excessive deterioration of the mine roof in the abandoned sections of the mine, making travel throughout the entries extremely hazardous. These airways are not designated escape routes.

3. As an alternate method, petitioner proposes to establish two checkpoints at specific locations to examine the abandoned sections on a weekly basis. Tests for air flow direction, air velocity and volume, and for methane and oxygen deficiency will be made at each checkpoint.

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 March 1, 1984. Copies of the petition are available for inspection at that address.

Dated: January 24, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-2072 Filed 1-30-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-153-C]

**Zeigler Coal Company; Petition for Modification of Application of Mandatory Safety Standard**

Zeigler Coal Company, 2700 River Road, Des Plaines, Illinois 60018 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Murdock Mine (I.D. No. 11-00586) and its Zeigler No. 5 Mine (I.D. No. 11-01845), both located in Douglas County, Illinois, its Zeigler No. 11 Mine (I.D. No. 11-02408) and its Spartan Mine (I.D. No. 11-00612), both located in Randolph 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 underground battery-charging stations be housed in fireproof structures or areas.

2. Petitioner uses battery-operated shuttle cars or "unihaulers" for coal haulage and states that electrical shock and fire hazards associated with cable-powered shuttle cars are eliminated.

3. The battery-charging stations are located in active working sections and are portable in nature. Air currents used to ventilate the stations are coursed directly into the return aircourse.

4. As an alternate method, petitioner proposes to construct portable battery-charging stations. Three permanent metal stoppings separating the return aircourse from the neutral air will be constructed. Sufficient batteries for three uni-haulers plus chargers will be placed at each station. Each station will be saturated with rock dust, at least one-fourth inch on the ribs and three inches on the floor. Three portable fire extinguishers will be provided at each portable battery-powered station.

5. Petitioner states that the alternate method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard. It will allow the charging station to be moved during each power and belt move. This will maintain the station within close proximity to the working face and in direct line of sight

of workers throughout each shift, greatly reducing the possibility of fire hazards.

6. 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 March 1, 1984. Copies of the petition are available for inspection at that address.

Dated: January 23, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-2874 Filed 1-30-84; 8:45 am]

BILLING CODE 4510-43-M

**NATIONAL SCIENCE FOUNDATION**

**Permit Issued Under the Antarctic Conservation Act of 1978; Gerald L. Kooyman**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

**SUPPLEMENTARY INFORMATION:** On December 1, 1983, the National Science Foundation published a notice in the *Federal Register* of a permit application received. On January 23, 1984 a permit was issued to: Gerald L. Kooyman.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 84-2593 Filed 1-30-84; 8:45 am]

BILLING CODE 7555-01-M

**PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL**

**Industrial Conservation Advisory Task Force; Regular Meeting**

**AGENCY:** Industrial Conservation Advisory Task Force of the Pacific Northwest Electric Power and

Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Survey form.
- Phase II of Industrial Conservation Assessment.

Status: Open.

**SUMMARY:** The Northwest Power Planning Council hereby announces a forthcoming meeting of its Industrial Conservation Advisory Task Force.

**DATE:** Tuesday, February 7, 1984, 9:30 a.m.

**ADDRESS:** The meeting will be held at the Council Hearing Room at 700 SW Taylor; Suite 200, in Portland, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Tom Foley, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-2591 Filed 1-30-84; 8:45 am]

BILLING CODE 0000-00-M

**PENSION BENEFIT GUARANTY CORPORATION**

**Request for Extension of Approval Under the Paperwork Reduction Act of the Information Collection Requirement**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for OMB approval of extension.

**SUMMARY:** The Pension Benefit Guaranty Corporation has requested approval by the Office of Management and Budget for an extension of the expiration date of a currently approved information collection requirement (1212-0023) without any change in the substance or in the method of collection. The information collection, which is scheduled to expire on March 31, 1984, is contained in PBGC's procedural regulation on Extension of Special Withdrawal Liability Rules (29 CFR Part 26450). As part of an application for PBGC approval of special withdrawal rules, the regulation requires the submission of certain information that is necessary in order to determine whether the request satisfies the statutory tests contained in ERISA section 4203(f). The effect of this notice is to advise the public of PBGC's request for OMB approval of this extension.

**ADDRESSES:** All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer

for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, D.C. 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** James M. Graham, Attorney, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. (this is not a toll-free number.)

Issued at Washington, D.C. on this 25th day of January, 1984

Edwin M. Jones,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 84-2578 Filed 1-30-84; 8:45 am]

BILLING CODE 7708-01-M

**Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; S. E. Rykoff & Co.**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of pendency of request.

**SUMMARY:** This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from S. E. Rykoff & Co. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Before granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

**DATE:** Comments must be submitted on or before March 16, 1984.

**ADDRESSES:** All written comments (at least three copies) should be addressed to: Director, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation,

2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Deborah Murphy, Attorney, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner

that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, 29 CFR 2643.3(a) (1982), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the Federal Register, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

**The Request**

The PBGC has received a request from S. E. Rykoff & Co. ("Rykoff") for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B). In connection with the request, Rykoff represents, among other things, that:

1. On May 27, 1982, Rykoff purchased substantially all of the business and operating assets of C. W. Stoffers Co. ("Stoffers").

2. Stoffers contributed to the Western Conference of Teamsters Pension Trust Fund ("Western Conference Fund"). (Before January 1, 1982, Stoffers also contributed to the San Francisco Local 85 Pension Trust Fund ("Local 85 Fund"), which was merged into the Western Conference Fund as of the close of business on December 31, 1981.) Under the sale contract, Rykoff agreed to incur an obligation to contribute to the Western Conference Fund for substantially the same number of contribution base units for which Stoffers had an obligation to contribute.

3. Stoffer's potential withdrawal liability to the Western Conference Fund is estimated to be not more than \$274,717. That amount would be subject to a reduction under ERISA section 4225(a), relating to the liquidation of a withdrawing employer. The amount of the bond or escrow required under ERISA section 4204(a)(1)(B) is \$39,429.

4. Rykoff contributed to the Western Conference Fund (and, before January 1,

1982, to the Local 85 Fund) before its acquisition of Stoffers' assets. Rykoff's contributions to the Western Conference Fund and the Local 85 Fund in its fiscal year ending April 30, 1982, totaled \$1,297,587. Rykoff's potential withdrawal liability to the two Funds as of the end of the 1981 plan year was \$2,820,366.

5. According to its audited financial statements, Rykoff's net income (after taxes) for its fiscal years ending April 30, 1980-82, and its net assets as of the end of the same fiscal years, were as follows:

	1980	1981	1982
Net income .....	\$4,758,000	\$5,737,000	\$6,385,000
Net assets .....	38,574,000	42,844,000	47,416,000

6. A copy of Rykoff's request has been sent to the Western Conference Fund and to the collective bargaining representatives of the former Stoffers employees by certified mail.

#### Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, by March 16, 1984. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C., on this 25th day of January, 1984.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-2577 Filed 1-30-84; 8:45 am]

BILLING CODE 7708-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 20590; File No. 4-208]

### American Stock Exchange, Inc., et al.; Approval of an Amendment to the Intermarket Trading System Plan

January 25, 1984.

In the matter of American Stock Exchange, Inc., Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., Midwest Stock Exchange, Inc., National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., Philadelphia Stock Exchange, Inc.

The Securities and Exchange Commission has issued an order, pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act") and Rule 11Aa3-2 ("National Market System ("NMS") Plan Rule") thereunder,

approving an amendment ("Amendment") to the "Plan for the Purpose of Creating and Operating an Intermarket Communication Linkage ("Intermarket Trading System ("ITS") Plan").<sup>1</sup>

#### I. Background and Description of Amendment

The Commission initially approved the Amendment on a temporary basis on October 21, 1983.<sup>2</sup> The Amendment provides for: (1) Revised ITS pre-opening application procedures; (2) an enhanced computer interface between ITS and three regional stock exchanges; (3) modifications to the model trade-through rule and block policy; and (4) standards for assessing damages under the ITS Plan.<sup>3</sup>

#### II. Approval of Amendment

In its order authorizing ITS to operate on an indefinite basis, the Commission applauded the ITS participants' continuous efforts in improving the system through technical and procedural modifications. The Commission believes that the Amendment represents these types of improvements. In particular, the Commission believes that the proposed development of the interface between ITS and three regional exchanges represents a positive technical enhancement to ITS which creates opportunities for more "efficient and effective market operations."<sup>4</sup> Accordingly, the Commission finds that approval of the Amendment is in furtherance of the purposes of Act, in the public interest, and appropriate for the protection of investors.

In accordance with the above, it is ordered, pursuant to Section 11A of the Act, and paragraph (c)(2) of Rule 11Aa3-2 thereunder, that the amendment to the ITS Plan be, and hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.<sup>5</sup>

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-2863 Filed 1-30-84; 8:45 am]

BILLING CODE 8010-01-M

<sup>1</sup> The ITS Plan and subsequent amendments are contained in File No. 4-208. The Commission initially approved the ITS Plan on an interim basis on April 14, 1978. Subsequently, the Commission authorized the ITS participants to act jointly in operating the ITS for a further period of indefinite duration. See Securities Exchange Act Release No. 19456 (January 23, 1983), 48 FR 4938.

<sup>2</sup> See Securities Exchange Act Release No. 20319 (October 21, 1983), 48 FR 29953 ("Temporary Approval Release").

<sup>3</sup> For further information on the Amendment see the Temporary Approval Release.

<sup>4</sup> See Section 11A(a)(1)(B) of the Act.

<sup>5</sup> See 17 CFR 200.30-3(a)(29).

[Release No. 23209; 70-6790]

### Central and South West Corp., CSW Financial, Inc.; Proposed Transaction Related to Investment in Equity Portion of "Leveraged Leases"

January 25, 1984.

Central and South West Corporation ("CSW"), 2400 San Jacinto Tower, Dallas, Texas 75222, a registered holding company, and its nonutility subsidiary company, CSW Financial, Inc. ("CSWF"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By order in this proceeding dated November 4, 1982 (HCAR No. 22695), CSWF was authorized to acquire tax benefits as the lessor pursuant to safe harbor leases involving so-called tax benefit transfer ("TBT"). It is stated that recent changes in the Internal Revenue Code have effectively eliminated standard TBTs for CSWF. However, in order to continue the tax-savings program, CSWF and CSW propose to invest in the equity portion of leveraged leases, i.e., CSWF would act, directly or indirectly, as lessor or as co-lessor with other equity investors in leased property. With leveraged leases, the tax benefits associated with certain property are transferred pursuant to a lease from the user corporation to the equity investor or lessor, as with TBTs. The lessor is entitled to the investment tax credits and depreciation deductions in respect of the leased property. The major difference is that, in a TBT, the lessor does not have a property interest in the property while, in a leveraged lease, the lessor has an interest in the property and receives rental income.

CSWF is proposing what, in effect, is a joint venture with Manufacturers Hanover Leasing Corporation ("Manufacturers"), whereby a trust or a separate new corporation would be formed (collectively referred to as the "Joint venture company"), to be 80% owned by CSW or CSWF and 20% owned by Manufacturers. The trust or the new corporation would invest in and lease equipment to credit-worthy third parties, and the tax benefits (and rental income) would be shared pursuant to agreements to be entered into between Manufacturers and CSWF, with CSWF receiving a minimum of 80% of the tax benefits and income. CSWF will reimburse Manufacturers for a pro rata share of origination and administrative costs based on a formula to be

negotiated. In no event will Manufacturers' origination fee exceed 1.25% of the equipment cost of each transaction closed, and its administrative annual costs will be on a sliding scale but will not exceed .25% of all new business up to \$250,000,000 annually with a minimum administration fee to be negotiated.

CSWF seeks authority to invest in up to 80% of the stock of the joint venture company and to make equity contributions thereto in order to allow the joint venture company to engage in transactions during 1984 and 1985 of up to \$240,000,000 of leveraged lease transaction. CSWF's share of such capitalization will be 80% or a maximum of \$200,000,000. Manufacturers would contribute the remaining \$40,000,000. In the event the full \$200,000,000 is used by CSWF, \$60,000,000 would come from equity contributions from CSW and \$140,000,000 would be from borrowings pursuant to lines of credit or loan agreements ("Loans") with one or more commercial banks to CSW, CSWF, or the joint venture company. These loans would be unsecured; but it is contemplated, and CSW requests authority, that CSW will be required to guarantee the principal and interest of loans to CSWF and the joint venture company to the extent of CSW's interest therein. Because of the length of the leveraged leases, a portion of the loans may be outstanding for more than three years. It is anticipated that the loans would bear interest at not more than the prime commercial lending rate of the respective banks, and CSWF would be required to maintain compensating balances in an amount equal to 5% of the bank's commitment and to pay a commitment fee not in excess of 1/2% of the commitment amount.

The amended application-declaration and any further 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 February 21, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants 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 or 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 application-declaration, as amended or

as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-2865 Filed 1-30-84; 8:45 am]  
BILLING CODE 8010-01-M

### Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 25, 1984.

The above named national securities exchange 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:<sup>1</sup>

Atlanta Richfield Company (File No 7-7336)

Common Stock, \$2.50 Par Value

\$2.80 Cumulative Convertible

Preference Stock \$1 Par Value

First Interstate Bancorp. (File No. 7-7337)

Capital Stock, \$2 Par Value

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 February 15, 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 applications 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.

<sup>1</sup> These companies are currently listed and registered on the Midwest Stock Exchange, Inc. ("MSE"). However, at the request of Atlanta Richfield and First Interstate, the MSE filed applications on January 24, 1984 to remove the above securities from listing and registration on the MSE. The MSE has indicated to the Commission staff that it wishes to continue to trade the above securities pursuant to unlisted trading privileges to avoid any lapse in trading.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-2864 Filed 1-30-84; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-20585; File No. SR-MSRB-84-3]

### Self-Regulatory Organizations; Proposed Rule Change By Municipal Securities Rulemaking Board; Relating to Customer Confirmations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 12, 1984, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments to rule G-15 on customer confirmations (hereafter referred to as the "proposed rule change"). The Board has requested that the Commission delay the effectiveness of the proposed rule change until September 1, 1984, to provide time for the industry to prepare for compliance with the requirements of the proposed rule change. The text is as follows:<sup>1</sup>

Rule G-15. Confirmation, Clearance and Settlement of Transactions with Customers.

(a) Customer Confirmations.

(i) Through (iv) No change.

(v) The confirmation for a transaction in securities maturing in more than two years and paying investment return solely at redemption:

(i) shall not show the par value of the securities specified in subparagraph (D) of paragraph (a) (i) [and];

(ii) shall not be required to show the amount of accrued interest specified in subparagraph (J) of paragraph (a)(i)[.];

(iii) [Such confirmation] shall [however,] show the maturity value of the securities and specify that the interest rate on the securities is "0%"[.];

<sup>1</sup> Italics indicate new language, [brackets] indicate deletions.

(iv) shall indicate that the customer will not receive periodic payments;

(v) if applicable, shall indicate that the securities are callable at a price below the maturity value; and

(vi) if the securities are callable and available in bearer form, shall indicate that unless the securities are registered it may be difficult for the customer to determine whether the securities have been called.

A statement in the description field of the confirmation or contained as a legend on the reverse side of the confirmation to the following effect will be deemed to satisfy the requirements of subparagraphs (iv), (v) and (vi) above:

"No periodic payments—callable below maturity value without notice by mail to holder unless registered."

Notwithstanding the foregoing, if the requisite information is set forth on the reverse side of the confirmation, its presence must be highlighted by a statement in the description field (e.g., "Important—See legend Below").

(vi) through (ix) No change.

## II. Self-Regulatory Organization's Statement on Purpose of, and Statutory Basis for, the Proposed Rule Change

### A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Board rule G-15(a) requires disclosure on confirmations of transactions with customers of certain information about the securities involved as well as the terms of the transactions. Certain new issues of municipal securities sold in recent years have had several maturities with a stated interest rate of 0% ("zero coupon" securities); such securities are sold at deep discounts, with the investor's return received in the form of an accretion of this discount to par at the rate represented by the original offering yield. Other securities, often described as "compound interest" or "multiplier" securities, are issued with a stated rate of investment return; an investor purchasing such a security would receive at maturity a single payment (the "maturity value") representing both return of the initial principal value and payment of an investment return accrued over the life of the instrument at a stated compounded rate. The Board has adopted the proposed rule change in order to supplement certain recent amendments to its confirmation rules, rules G-12 and G-15, to accommodate

transactions in zero coupon, compound interest and multiplier securities.<sup>2</sup>

In response to industry inquiries, the Board published a notice dated October 8, 1982, concerning the application of Board rules to transactions in zero coupon, compound interest and multiplier securities.<sup>3</sup> Among other things, the Board's notice reminded dealers that the Board's fair dealing rule, rule G-17, imposes an obligation on persons selling zero coupon and similar securities to the public to adequately disclose their important characteristics. For example, it is essential that investors be made aware that, unlike more traditional municipal bonds, these securities do not pay interest on a periodic basis. Further, the call features applicable to these securities usually permit them to be called at a price substantially below the maturity value. In the October notice, the Board took the position that this was material information which should be disclosed at or before the time of trade in order to enable the purchaser of the securities to make an informed investment decision. The Board has since determined that the fact that zero coupon and similar securities do not pay periodic interest is such an unusual feature, and the implications to customers of this fact as well as the facts concerning call features are so significant, that it is necessary to require that this information, in addition to being disclosed at or before the time of trade, also be included on the written confirmations which are sent to customers.

The proposed rule change would apply to transactions in municipal bonds which mature in more than two years and pay investment return solely at redemption. It would require that municipal securities brokers and municipal securities dealers which sell these securities to customers include on the final customer confirmation the following information:

- That the customer will not receive periodic interest payments;
- If applicable, that the securities are callable at a price below maturity value; and
- If the securities are callable and available in bearer form, that unless the securities are in registered form, the absence of periodic payments may make it difficult for the customer to determine whether the securities have been called.

<sup>2</sup> See File No. SR-MSRB-83-12, approved by the Commission October 12, 1983, effective December 12, 1983.

<sup>3</sup> See MSRB Reports, vol. 2, no. 2 (October/November 1982) at pp. 13-15.

The proposed rule change provides that the following statement appearing in the description field of the confirmation or contained as a legend on the reverse side of the confirmation (if the presence of the legend is highlighted by a statement in the description field) would be deemed to satisfy these requirements: "No periodic payments—callable below maturity value without notice by mail to holder unless registered."

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, which directs the Board to propose and adopt rules which are

designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest \* \* \*

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose any burden on competition since it applies equally to all municipal securities brokers and dealers.

### C. Self-Regulatory Organization's Statement of Comments on Proposed Rule Change Received from Members, Participants and Others

On August 15, 1983, the Board released for comment an exposure draft of an amendment to rule G-15 regarding confirmations of transactions in zero coupon, compound interest and multiplier securities.

The Board received nine comment letters. The commentators generally agreed that customer confirmations should call attention to the unusual features of zero coupon, compound interest and multiplier securities. One commentator was opposed to the proposed disclosure statement and stated that it would be unreasonably costly and time consuming to initiate.

Three commentators suggested that the Board allow each dealer to choose where it will place the requisite disclosures stating that the availability of space in description and legend fields varies from dealer to dealer depending on the particular form of confirmation used. One commentator stated that this course of action would provide dealers with the opportunity to select the least

burdensome alternative from both operation and cost standpoint.

The Board has considered all of the comments it has received to date and has determined that the proposed disclosure statement, which emphasizes the fact that zero coupon and similar securities do not pay periodic interest and may be called below maturity value, contains material information which in addition to being disclosed at or before the time of trade, should also be included and highlighted on customer confirmations. The Board also agrees with the commentators that dealers should be given the option of the proposed (descriptive field) or alternative (legend) forms of disclosure.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule changes,
- or
- (B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

January 23, 1984.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 84-2666 Filed 1-30-84; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Regulatory Negotiation Advisory Committee; Meeting

[Docket No. 23634]

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C., App. I), notice is hereby given of an upcoming meeting of the Regulatory Negotiation Advisory Committee for flight and duty time rulemaking to be held February 14 and 15, 1984, at the Sheraton Crystal City Hotel, Ball Room C, 1800 Jefferson Davis Highway, Arlington, Virginia, commencing at 10:00 a.m.

The agenda for the meeting is as follows: Review of a draft notice of proposed rulemaking based on proposals submitted by Committee members at previous Regulatory Negotiation Advisory Committee meetings on flight time, duty time, and rest requirements for flight crewmembers utilized by air carriers.

Every attempt was made to publish notice of this meeting at least 15 days prior to the scheduled meeting dates, however, timely notice was impossible because the site of the meeting was not established until recently.

Attendance is open to the interested public, but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. William J. Sullivan, Executive Secretary, Regulatory Negotiation Advisory Committee, Office of Aviation Safety, ASF-400, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-7815.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on January 27, 1984.

William J. Sullivan,  
Executive Secretary, United States  
Regulatory Negotiation Advisory Committee.

[FR Doc. 84-2723 Filed 1-30-84; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Spplmt. To Dptmnt. Cir.—Public Debt Series—No. 1-84]

#### Treasury Notes; Series Q-1986

January 26, 1984.

The Secretary announced on January 25, 1984, that the interest rate on the notes designated Series Q-1986, described in Department Circular—Public Debt Series—No. 1-84 dated January 19, 1984, will be 10% percent. Interest on the notes will be payable at the rate of 10% percent per annum.

Carole Jones Dineen,  
Fiscal Assistant Secretary.

[FR Doc. 84-2656 Filed 1-30-84; 8:45 am]

BILLING CODE 4810-40-M

## UNITED STATES INFORMATION AGENCY

### Reporting and Information Collection Requirement Under OMB Review

**AGENCY:** United States Information Agency.

**ACTION:** Notice of reporting requirement submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval and to publish a notice in the **Federal Register** notifying the public that such a submission has been made. USIA is requesting approval of a form used to certify the eligibility of foreign people for J-1 visas, so that they may visit the United States under one of USIA's exchange-visitor programs. This is a resubmission. The current clearance number is 3116-0008, expiration date July 31, 1984.

**DATE:** Comments must be received by February 29, 1984.

**Copies:** Copies of the request for clearance (SF-83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the item listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for USIA.

**FOR FURTHER INFORMATION CONTACT:** Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202)

485-8676. And OMB Review: David S. Reed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-7231.

**SUPPLEMENTARY INFORMATION:** Title: "Certificate of Eligibility for Exchange Visitor (J-1) Status", Form IAP-66. This form is provided to an exchange-visitor sponsor, who in turn sends it to the individual abroad so that he or she may take it to the nearest American Consul to receive a J-1 visa.

Dated: January 25, 1984.

**Charles N. Canestro,**  
*Federal Register Liaison*

[FR Doc. 84-2557 Filed 1-30-84; 8:45 am]

**BILLING CODE 8230-01-M**

# Sunshine Act Meetings

Federal Register

Vol. 49, No. 21

Tuesday, January 31, 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

#### CIVIL AERONAUTICS BOARD

[M-398, Admt. 3; Jan. 26, 1984]

Addition and Closure of Item to the January 26, 1984 Meeting

**TIME AND DATE:** 10 a.m., January 26, 1984.

**PLACE:** Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

#### SUBJECT:

31. Discussion of Switzerland. (BIA)

**STATUS:** Closed.

#### PERSON TO CONTACT FOR MORE

**INFORMATION:** Phyllis T. Kaylor, the Secretary [202] 673-5068.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 84-2756 Filed 1-27-84; 3:56 pm]

**BILLING CODE 6320-01-M**

### 2

#### CIVIL AERONAUTICS BOARD

[M-398, Admt. 4; Jan. 26, 1984]

Additions and Closure of Items to the January 26, 1984 Meeting

**TIME AND DATE:** 10 a.m., January 26, 1984.

**PLACE:** Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

#### SUBJECT:

32. Discussion on Luxembourg. (BIA)

33. Discussion on Puerto Rico-Caracas, Venezuela. (BIA)

**STATUS:** Closed.

#### PERSON TO CONTACT FOR MORE

**INFORMATION:** Phyllis T. Kaylor, the Secretary [202] 673-5068.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 84-2755 Filed 1-27-84; 3:56 pm]

**BILLING CODE 6320-01-M**

### 3

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 11 a.m., Friday, February 3, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Eighth Floor Conference Room.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

Surveillance Briefing

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-2705 Filed 1-27-84; 11:55 am]

**BILLING CODE 6351-01-M**

### 4

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10 a.m., Thursday, February 9, 1984

**PLACE:** 2033 K Street, NW., Washington, D.C., Fifth Floor Hearing Room.

**STATUS:** Open.

#### MATTER OF BE CONSIDERED:

Second Quarter Objectives

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-2706 Filed 1-27-84; 11:55 am]

**BILLING CODE 6351-01-M**

### 5

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 11 a.m., Friday, February 10, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Eighth Floor Conference Room.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

Surveillance Briefing

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-2707 Filed 1-27-84; 11:55 am]

**BILLING CODE 6351-01-M**

### 6

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10 a.m., Tuesday, February 14, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Fifth Floor Hearing Room.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

Briefing by the National Futures Association Final Rules on Reparations

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-2708 Filed 1-27-84; 11:56 am]

**BILLING CODE 6351-01-M**

### 7

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 11 a.m., Friday, February 17, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Eighth Floor Conference Room.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

Surveillance Briefing

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-2709 Filed 1-27-84; 11:56 am]

**BILLING CODE 6351-01-M**

### 8

#### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10 a.m., Wednesday, February 22, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Fifth Floor Hearing Room.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

Temporary Licenses; Statutory Disqualification from Registration; Notice

of Statutory Disqualification and Other Regulatory Requirements—final rules

**CONTACT PERSON FOR MORE**

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,

*Secretary of the Commission.*

[FR Doc. 84-2710 Filed 1-27-84; 11:56 am]

**BILLING CODE 6351-01-M**

9

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11 a.m. Friday, February 24, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Eighth Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

Surveillance Briefing.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,

*Secretary of the Commission.*

[FR Doc. 84-2711 Filed 1-27-84; 11:56 am]

**BILLING CODE 6351-01-M**

10

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 10 a.m., Tuesday, February 28, 1984.

**PLACE:** 2033 K Street, NW., Washington, D.C., Fifth Floor Hearing Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

Rule enforcement review

**CONTACT PERSON FOR MORE**

**INFORMATION:** Jane Stuckey, 254-6314.

Jane K. Stuckey,

*Secretary of the Commission*

[FR Doc. 84-2712 Filed 1-27-84; 11:56 am]

**BILLING CODE 6351-01-M**

11

**FEDERAL RESERVE SYSTEM:**

**ACTION:** "Federal Register" Citation of Previous Announcement: Notice forwarded to Federal Register on January 26, 1984.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10 a.m., Thursday, February 2, 1984.

**CHANGES IN THE MEETING:** Deletion of the following open item(s) from the agenda:

Proposed Federal Reserve cash service standards and prices

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 26, 1984.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 84-2667 Filed 1-26-84; 5:13 pm]

**BILLING CODE 6210-01-M**

12

**NATIONAL TRANSPORTATION SAFETY BOARD**

[NM-84-5]

**TIME AND DATE:** 9 a.m., Tuesday, February 7, 1984.

**PLACE:** NTSB Board Room, eighth floor, 800 Independence Ave., SW., Washington, D.C. 20594.

**STATUS:** The first three items will be open to the public; the remaining item will be closed under Exemption 10 of the Government in the Sunshine Act.

**MATTERS TO BE CONSIDERED:**

1. *Railroad Accident Report*—Derailment of Burlington Northern Railroad Train No. MTC-0718 near Crystal City, Missouri, July 18, 1983.

2. *Highway Accident Report*—Valley Supply Company Truck Towing Farm Plows/Anchor Motor Freight, Inc., Car Carrier Truck/N.Y. Association for Retarded Children Bus Collisions and Fire, State Route 8, near Holmesville, New York, April 5, 1983.

3. *Pipeline Accident Report*—Mid-America Pipeline Company Liquefied Petroleum Gas Pipeline Rupture Near West Odessa, Texas, March 15, 1983.

4. *Opinion and Order: Administrator v. Hill*, Docket SE-5529; disposition of the Administrator's appeal. (Calendared at the request of Member Bursley.)

**CONTACT PERSON FOR MORE**

**INFORMATION:** Sharon Flemming (202) 382-6525.

January 27, 1984.

H. Ray Smith, Jr.,

*Federal Register Liaison Officer.*

[FR Doc. 84-2700 Filed 1-27-84; 11:17 am]

**BILLING CODE 4910-58-M**

13

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**TIME AND DATE:** 10 a.m., on February 9, 1984.

**PLACE:** Suite 316, 1825 K Street, NW., Washington, D.C.

**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.

**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mr. Earl R. Ohman, Jr. (202) 634-4015.

Dated: January 27, 1984.

Earl R. Ohman, Jr.,

*Acting General Counsel.*

[FR Doc. 84-2741 Filed 1-27-84; 2:08 am]

**BILLING CODE 7600-01-M**

14

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**TIME AND DATE:** 10 a.m. on February 23, 1984.

**PLACE:** Suite 316, 1825 K Street, NW., Washington, D.C.

**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.

**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mr. Earl R. Ohman, Jr. (202) 634-4015.

Dated: January 27, 1984.

Earl R. Ohman, Jr.,

*Acting General Counsel.*

[FR Doc. 84-2742 Filed 1-27-84; 2:08 pm]

**BILLING CODE 7600-01-M**

15

**POSTAL SERVICE**

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C 552b), hereby gives notice that it intends to hold meetings at 1 p.m., on Wednesday, February 8, 1984, in Los Angeles, CA, and at 8:30 a.m., on Thursday, February 9, 1984, in Room 9, Terminal Annex/PEDC, 900 North Alameda Street, Los Angeles, CA. As indicated in the following paragraph, the February 8 meeting is closed to public observation. The February 9 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245-3734.

At its meeting on January 9-10, 1984, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for February 8. (See 49 FR 2342, January 19, 1984.) The agenda item of the meeting to be closed concerns strategic planning in connection with collective bargaining negotiations involving parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain

postal employees, which are scheduled to expire in July 1984.

#### Agenda

*Wednesday Session, February 8 (Closed)*

#### 1. Strategic Planning—Collective Bargaining.

*Thursday Session, February 9 (Open)*

#### 1. Minutes of the Previous Meeting, January 9-10, 1984.

#### 2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the Members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)

#### 3. Officer Compensation.

(The Board will consider approval of a recommendation by the Postmaster General regarding adjustments in officer compensation.)

#### 4. Election of the Vice Chairman of the Board.

#### 5. Appointment of Committee Members by the Chairman.

(The Bylaws provide that the Chairman of the Board shall select and appoint the Chairman and members of the several committees of the Board.)

#### 6. Amendments to the Bylaws of the Board of Governors.

(The Board will consider proposed revisions to its Bylaws to clarify the description of matters that the Board reserves for its approval and for other purposes.)

#### 7. Quarterly Report on Financial Performance.

(Mr. Coughlin, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)

#### 8. Quarterly Report on Service Performance.

(Mr. Finch, Deputy Postmaster General, will present the quarterly summary on service performance.)

#### 9. Quarterly Report on Administration Group Programs.

(Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will provide a report on certain programs of the Administration Group.)

#### 10. Report of the Regional Postmaster General.

(Mr. Caraveo, Regional Postmaster General, will report on postal conditions in the Western Region.)

#### 11. Capital Investment Projects:

a. Construction of new General Mail Facility and Vehicle Maintenance Facility at Los Angeles, CA

b. Construction of a new "Encino Branch" of the Van Nuys (CA) Post Office.

(Mr. Biglin will present the proposal for the new GMF/VMF in Los Angeles and Mr. Carvaeo will present the proposal for the Encino Branch facility.)

#### 12. Consideration of a Tentative Agenda for the March 5-6, 1984, meeting of the Board in Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 84-2861 Filed 1-26-84; 5:14 pm]

BILLING CODE 7710-12-M

## 16

### TENNESSEE VALLEY AUTHORITY

[Meeting No. 1325]

**TIME AND DATE:** 5 p.m. (CST),  
Wednesday, February 1, 1984.

**PLACE:** Itawamba Junior College, 653  
Eason Boulevard, Tupelo, Mississippi.

**STATUS:** Open.

**AGENDA ITEMS:** Approval of minutes  
of meetings held on January 4 and  
January 18, 1984.

#### New Business Items

##### B—Purchase Awards

B1. Requisition 86—Coal for Johnsonville and  
Widows Creek Steam Plants.

B2. Requisition 78—Barge Service to  
Transport Coal to Widows Creek Steam  
Plant.

##### C—Power Items

C1. Letter agreement with East Kentucky  
Power Cooperative modifying settlement  
provisions for emergency assistance  
under TVA's Interconnection Agreement  
with East Kentucky Power Cooperative.

##### E—Real Property Transactions

E1. Grant of permanent easement to the State  
of Tennessee for the construction,  
operation, and maintenance of a highway  
affecting approximately 0.2 acre of  
Melton Hill Reservoir land in Anderson  
County, Tennessee—Tract No. XTMHR-  
15H.

E2. Agreement (TV-63252A) between TVA  
and Fannin County, Georgia, providing  
for widening the bridge across the  
spillway bays at Blue Ridge Reservoir.

#### F—Unclassified

F1. Revised TVA code relating to  
procurement of personal property and of  
services.

F2. Supplement to contract (TV-61177A)  
between TVA and Southeast Oklahoma  
Public Facilities Authority for the  
purpose of furthering economic  
development in the southeast Oklahoma  
area.

F3. Cooperative agreement (TV-61990A)  
between TVA and the U.S. Department  
of Agriculture, Science and Education  
Administration, covering arrangements  
for tick studies at Land Between The  
Lakes.

F4. Fertilizer distribution agreement between  
AgriBasics Company, a Conagra  
Company, and TVA providing for the  
company's participation in TVA fertilizer  
industry demonstration program.

F5. Consideration of TVA Retirement System  
investment management agreement with  
Aetna Capital Management and a  
revised trust agreement with Citibank.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Craven H. Crowell, Jr.,  
Director of Information, or a member of  
his staff can respond to requests for  
information about this meeting. Call  
(615) 632-8000, Knoxville, Tennessee.  
Information is also available at TVA's  
Washington Office (202) 245-0101.

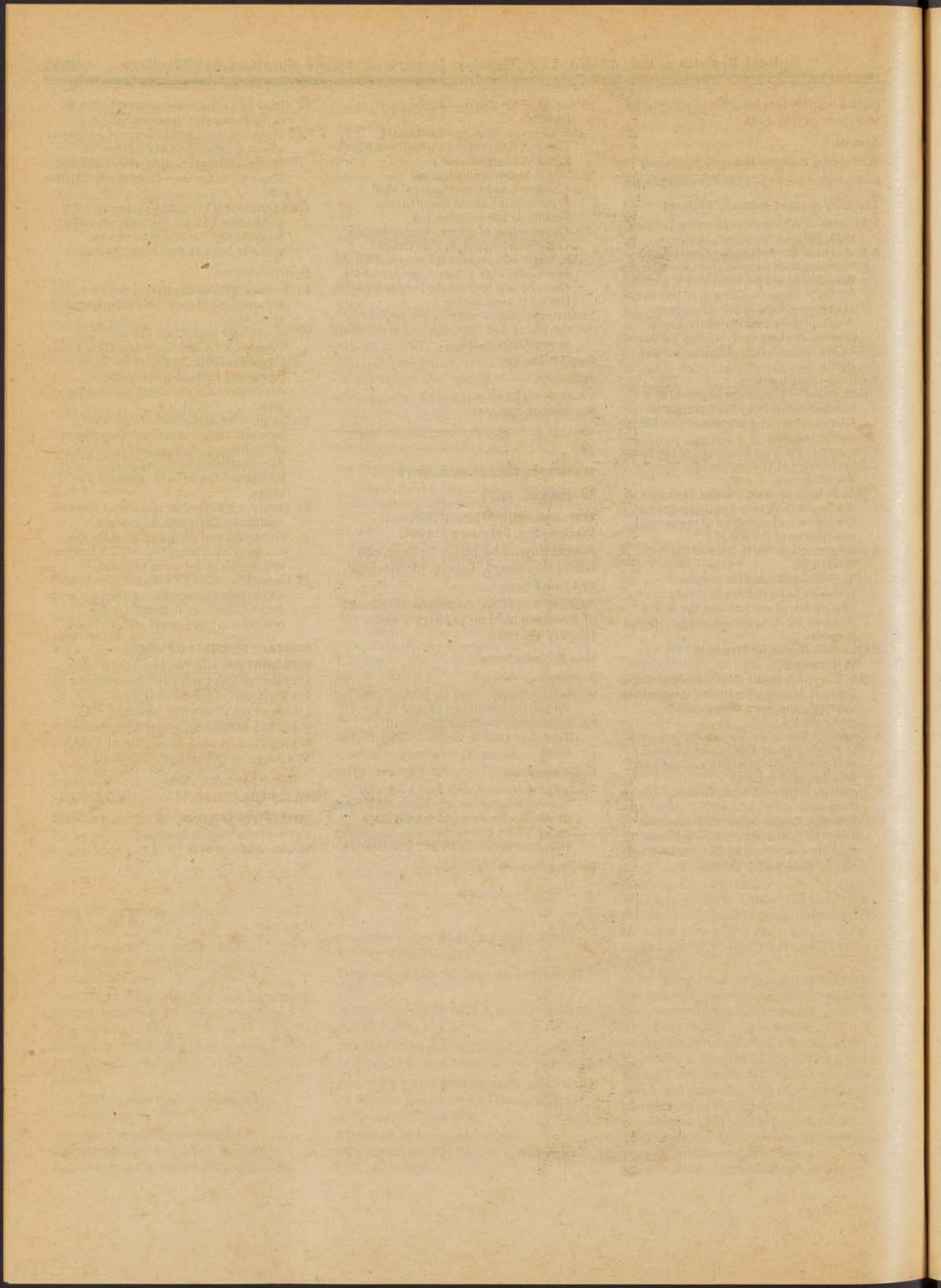
Dated: January 25, 1984.

W. F. Willis,

General Manager.

[FR Doc. 84-2731 Filed 1-31-84; 1:25 pm]

BILLING CODE 8120-01-M



# **federal register**

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**Tuesday  
January 31, 1984**

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## **PART II**

### **Department of Education**

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**National Direct Student Loan, College  
Work-Study, and Supplemental Education  
Opportunity Grant Programs; Applications  
Deadline; Notice**

PART II

Department of  
Education

National Board of Education  
Washington, D. C.  
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**DEPARTMENT OF EDUCATION****National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; Appeals Deadline****AGENCY:** Department of Education.**ACTION:** Notice of deadline date for submitting appeals for funds; and notice of average program expenditures by type of institution.

**SUMMARY:** The Secretary gives notice of the deadline date for institutions of higher education wishing to file appeals of their initial allocations of funds (tentative awards) for award year 1984-85 under the National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) programs. Under these programs, the Secretary allocates funds to institutions for students who need financial aid to meet the cost of postsecondary education.

The Secretary also announces the average 1982-83 expenditure of funds per enrolled student for the NDSL, CWS, and SEOG programs by type of institution. The Secretary uses these average expenditures in calculating the 1984-85 NDSL, CWS, or SEOG award of an institution that is participating in that program for the first or second time.

The NDSL, CWS, and SEOG programs are authorized by Parts E, C, and Subpart A-2, respectively, of title IV of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1087aa-1087ii, 42 U.S.C. 2751-2756b; and 20 U.S.C. 1070b-1070b-3)

Closing date for transmittal of appeals: The deadline date for an institution of higher education to submit an appeal of its 1984-85 tentative NDSL, CWS, or SEOG award is March 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Coates, Chief, Campus and State Grant Branch, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue SW., (Room 4621, ROB-3), Washington, D.C. 20202. Telephone (202) 245-2432.

**SUPPLEMENTARY INFORMATION:** An institution that wishes to participate in the NDSL, CWS, or SEOG program must submit an application for funds to the Secretary before an established closing

date. The information the institution provides on the application is evaluated according to the appropriate funding criteria to determine the institution's appropriate funding level. Each institution is informed of its funding level. However, the regulations for each of these programs permit an institution to appeal its funding level.

Regulations containing the procedures for calculating institutional awards and appeals of those awards for the three programs were published in the *Federal Register* on August 2, 1982 (47 FR 33398-33410). The specific appeal procedures are contained in 34 CFR 674.7 for the NDSL program, 34 CFR 675.7 for the CWS program, and 34 CFR 676.7 for the SEOG program.

**Average 1982-83 Expenditure of Funds per Enrolled Student by Program and Type of Institution**

Listed below are the types of institutions and the average program expenditure per enrolled student for each type of institution. The Secretary uses this information to calculate the 1984-85 award of an institution that is participating in the NDSL, CWS, or SEOG program for the first or second time.

Type of institution	NDSL expenditure	SEOG	CWS Federal share
Cosmetology.....	\$77.00	\$77.00	\$13.00
Business.....	131.00	76.00	39.00
Trade & Technical.....	117.00	56.00	48.00
Art.....	81.00	70.00	100.00
Other proprietary.....	119.00	38.00	31.00
Other non-proprietary.....	63.00	34.00	42.00

**Appeals Delivered by Mail**

An appeal sent by mail must be addressed to Appeals, NDSL/CWS/SEOG, Post Office Box 23914, L'Enfant Plaza, Washington, D.C. 20026.

An institution must show proof of mailing its appeal by the deadline date. Proof of mailing must consist of one of the following:

- (1) A legible receipt with the date of mailing stamped by the U.S. Postal Service.
- (2) A legibly dated U.S. Postal Service postmark.
- (3) A dated shipping label, invoice or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an appeal is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office.

An institution is encouraged to use registered or at least first-class mail.

**Appeals Delivered by Hand**

An appeal that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grant Branch, Room 4621, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. The Campus and State Grant Branch will accept hand-delivered appeals between 8:00 a.m. and 4:30 p.m. daily (Eastern Standard Time), except Saturdays, Sundays, and Federal Holidays.

An appeal that is hand-delivered will not be accepted after 4:30 P.M. on March 2, 1984.

**Applicable Regulations**

The following regulations apply to the campus-based programs:

34 CFR Part 668—Student Assistance General Provisions.

34 CFR Part 674—National Direct Student Loan Program.

34 CFR Part 675—College Work-Study Program.

34 CFR Part 676—Supplemental Educational Opportunity Grant Program.

(20 U.S.C. 1087aa-1087ii, 42 U.S.C. 2751-2756b; and 20 U.S.C. 1070b-1070b-3)

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program and 84.007, Supplemental Educational Opportunity Grant Program)

Dated: January 26, 1984.

Edward M. Elmendorf,  
Assistant Secretary for Postsecondary Education.

[FR Doc. 84-2615 Filed 1-30-84; 8:45 am]

BILLING CODE 4000-01-M

Main body of text, consisting of several columns of faint, illegible handwriting. The text appears to be organized into paragraphs or sections, but the individual words and sentences are not discernible.

# **Register** **Federal Register**

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**Tuesday**  
**January 31, 1984**

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**Part III**

**Department of**  
**Energy**

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**Federal Energy Regulatory Commission**

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**Determinations by Jurisdictional Agencies**  
**Under the Natural Gas Policy Act of**  
**1978; Notice**

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 1054]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 25, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million

cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

- Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal Seams
- 107-DV: Devonian Shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

- Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,  
Secretary.

NOTICE OF DETERMINATIONS

VOLUME 1054

ISSUED JANUARY 25, 1984

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
*****								
-CHEVRON U S A INC RECEIVED: 01/03/84 JA: CA								
8414377	83-6-0069	0409520590	102-4		EMIGH #1	DENVERTON CREEK	365.0	TOSCO PRODUCTION
8414378	83-6-0068	0409520590	102-4		EMIGH #1	DENVERTON CREEK	365.0	TOSCO PRODUCTION
8414375	83-5-0008	0403120248	102-2		SALYER 608X	TULARE LAKE	146.0	HUSKY OIL & GAS C
-MCOR OIL & GAS CORP RECEIVED: 01/03/84 JA: CA								
8414376	83-4-0282	0402900000	102-4		KERR #1-3	S W RIO BRAVO	27.0	GETTY OIL CO
*****								
LOUISIANA OFFICE OF CONSERVATION								
*****								
-JEEMS BAYOU PRODUCTION CORP RECEIVED: 01/03/84 JA: LA								
8414306	83-1092	1703122084	102-2		RIEMER CALHOUN B #1	BUFFALO BAYOU	146.0	MID-LOUISIANA GAS
-PEND OREILLE OIL & GAS CO RECEIVED: 01/03/84 JA: LA								
8414302	83-0997	1707523104	102-4		S L 8512 #1	BAY BATISTE (PREV KNO	1162.0	LOUISIANA STATE G
8414303	83-0998	1707523150	102-4		S L 8512 #2	BAY BATISTE (PREV KNO	13.0	LOUISIANA STATE G
8414300	83-0995	1707523167	102-4		S L 9570 #3	BAY BATISTE (PREV KNO	620.0	LOUISIANA STATE G
8414305	83-1000	1707523003	102-4		STATE LEASE 9570 #1	BAY BATISTE (PREV KNO	65.7	LOUISIANA STATE G
8414304	83-0999	1707523003	102-4		STATE LEASE 9570 #1 (ALT)	BAY BATISTE (PREV KNO	2.9	LOUISIANA STATE G
8414301	83-0996	1707523088	102-4		STATE LEASE 9570 #2	BAY BATISTE (PREV KNO	0.0	LOUISIANA STATE G
-TEXAS GENERAL PETROLEUM CORP RECEIVED: 01/03/84 JA: LA								
8414307	83-1093	1772820002	102-2		STATE LEASE 9203 #2	WILDCAT	400.0	
*****								
NORTH DAKOTA INDUSTRIAL COMMISSION								
*****								
-AXEM RESOURCES INC RECEIVED: 01/03/84 JA: ND								
8414207	885	3300700921	102-2		WEST FRANKS CREEK STATE #2-16	TR	1.5	WESTERN GAS PROCE
-PLACID OIL COMPANY RECEIVED: 01/03/84 JA: ND								
8414209	887	3305301551	102-4		EIDE #35-11	JUNIPER	540.0	
-PUMA PETROLEUM CO RECEIVED: 01/03/84 JA: ND								
8414210	888	3305301685	102-2		AMERADA STATE #1-16X	WINTER BUTTE	0.0	SHELL OIL CO
-TEXACO INC RECEIVED: 01/03/84 JA: ND								
8414208	886	3305301743	103		BLUE BUTTES MADISON WELL #E332X	BLUE BUTTES	117.0	AMERADA HESS CORP
*****								
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
*****								
-AMAX PETROLEUM CORPORATION RECEIVED: 01/04/84 JA: NM								
8414353		3003905796	108-PB		BISHOP #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
-AMERADA HESS CORPORATION RECEIVED: 01/04/84 JA: NM								
8414336		3002500000	108		SARAH PHILLIPS GAS COM #2	EUMONT	21.3	NORTHERN NATURAL
8414337		3002500000	108		STATE DA #4 (DUAL)	EUNICE	18.9	GETTY OIL CO
8414338		3002523274	108		STATE WE "L" COM #1	OSUDO	21.2	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO RECEIVED: 01/04/84 JA: NM								
8414364		3004521147	108-PB		CANDELARIA GAS COM #1	AZTEC	0.0	EL PASO NATURAL G
8414340		3004509071	108		DUFF GAS COM #1	BASIN-DAKOTA	11.0	EL PASO NATURAL G
8414360		3004507951	108-PB		GALLEGOS CANYON UNIT #150	BASIN	0.0	EL PASO NATURAL G
8414363		3004511650	108-PB		GALLEGOS CANYON UNIT #212	BASIN	0.0	EL PASO NATURAL G
8414366		3004507996	108-PB		GARCIA GAS COM B #1	BASIN	0.0	EL PASO NATURAL G

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8414368		3004508552	108-PB		HEATH GAS COM F #1	BLANCO	0.0	EL PASO NATURAL G
8414362		3004508963	108-PB		LIKEHS GAS COM A #2	BLANCO	0.0	EL PASO NATURAL G
8414367		3004500000	108-PB		MADDOX GAS COM A #1	AZTEC	0.0	EL PASO NATURAL G
8414365		3004508104	108-PB		MARTINEZ GAS COM D	AZTEC	0.0	EL PASO NATURAL G
8414361		3004521079	108-PB		NYE GAS COM C #1	BLANCO	0.0	EL PASO NATURAL G
8414369		3004509476	108-PB		STATE GAS COM BE #1	BASIN	0.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/04/84	JA: NM		
8414328		3002523632	108		J R PHILLIPS "A" #9	MONUMENT-MCKEE	5.2	EL PASO NATURAL G
-C & E OPERATORS INC				RECEIVED:	01/04/84	JA: NM		
8414355		3004500000	108-PB		BROWN #1	AZTEC	0.0	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/04/84	JA: NM		
8414322		3000500000	108		LEVICK-STATE "1" #1	CHAVEPOO (SAN ANDRES)	6.2	CITIES SERVICE OI
8414325		3000500000	108		LEVICK-STATE "6" #1	CHAVEPOO (SAN ANDRES)	3.0	CITIES SERVICE OI
8414319		3000500000	108		STATE "6" #4	CHAVEPOO (SAN ANDRES)	68.1	CITIES SERVICE OI
8414324		3004100000	108		STATE UNIT 32 #12	CHAVEPOO (SAN ANDRES)	3.9	CITIES SERVICE OI
8414317		3004100000	108		STATE UNIT 32-7-33 #15	CHAVEPOO (SAN ANDRES)	1.9	CITIES SERVICE OI
8414326		3004100000	108		STATE 32 #14	CHAVEPOO (SAN ANDRES)	3.8	NORTHWEST CENTRAL
8414327		3000500000	108		STATE 32-7-33 #7	CHAVEPOO (SAN ANDRES)	4.6	CITIES SERVICE OI
8414323		3000500000	108		STATE 5-8-33 #6	CHAVEPOO (SAN ANDRES)	2.6	CITIES SERVICE OI
8414318		3000500000	108		STATE 5-8-33 #8	CHAVEPOO (SAN ANDRES)	6.8	CITIES SERVICE OI
8414318		3000500000	108		STATE 6 #6	CHAVEPOO (SAN ANDRES)	2.9	CITIES SERVICE OI
-CONSOLIDATED OIL & GAS INC				RECEIVED:	01/04/84	JA: NM		
8414320		3004523636	108		ROBINSON BROTHERS 1-M	BLANCO MESAVERDE/BASI	11.0	SOUTHERN UNION GA
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/04/84	JA: NM		
8414370		3004521320	108-PB		ALLISON	BASIN	0.0	EL PASO NATURAL G
8414339		3004511814	108		BURROUGHS COM C #5	BASIN-DAYOTA	16.0	EL PASO NATURAL G
8414373		3003905573	108-PB		LINDRITH UNIT #49	BLANCO SOUTH	0.0	EL PASO NATURAL G
8414372		3003906979	108-PB		SAN JUAN 27-5 UNIT #41 PC & MV	IAPACITO & BLANCO	0.0	EL PASO NATURAL G
8414371		3004510988	108-PB		SAN JUAN 32-9 #64	BLANCO	0.0	EL PASO NATURAL G
8414374		3004511137	108-PB		SAN JUAN 32-9 UNIT #36	BLANCO	0.0	EL PASO NATURAL G
-JEROME P MCHUGH				RECEIVED:	01/04/84	JA: NM		
8414352		3003922495	108-PB		JELLY DOG JERRY #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP				RECEIVED:	01/04/84	JA: NM		
8414321		3004500000	108		CARNAHAN COM #1	FLORA VISTA MESAVERDE	12.7	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	01/04/84	JA: NM		
8414334		3003907952	108-PB		ROSA UNIT 17	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414335		3003907472	108-PB		SAN JUAN 29-5 #38	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414332		3003922678	108-PB		SAN JUAN 30-5 UNIT 41	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414333		3004522165	108-PB		SAN JUAN 32-7 COM 24	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PHILLIPS OIL CO				RECEIVED:	01/04/84	JA: NM		
8414343		3002502142	108		LEA WELL #5	VACUUM GB/SA	1.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/04/84	JA: NM		
8414350		3002502908	108		E VAC GB/SA U TR 2801 #013	VACUUM GB/SA	1.0	EL PASO NATURAL G
8414345		3002508527	108		E VAC GB/SA U TR 2819 #003	VACUUM GB/SA	1.0	EL PASO NATURAL G
8414346		3002526775	108		E VAC GB/SA UNIT TRACT 2658 #001	VACUUM GB/SA	1.0	EL PASO NATURAL G
8414344		3002502851	108		EAST VACUUM GB/SA UN TR 2207 #005	VACUUM GB/SA	1.0	EL PASO NATURAL G
8414330		3002527421	108		EAST VACUUM GB/SA UT TR 1953 #001	VACUUM GB/SA	1.0	EL PASO NATURAL G
8414348		3002502838	108		EAST VACUUM GB/SA UNIT TR 2059 #002	VACUUM GB/SA	3.0	EL PASO NATURAL G
8414349		3002524541	108		LEAMEX #17	MALJAMAR GB/SA	2.0	EL PASO NATURAL G
8414329		3002520794	108		SANTA FE #100	VACUUM GLORIETA	9.0	EL PASO NATURAL G
8414347		3002502994	108		VACUUM ABO UNIT #11-08	VACUUM ABO REEF	10.0	EL PASO NATURAL G
-SIMS OIL CO INC				RECEIVED:	01/04/84	JA: NM		
8414356		3004513089	108-PB		COOK #2	AZTEC	0.0	EL PASO NATURAL G
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/04/84	JA: NM		
8414331		3002500000	108		S E EATON #13	JUSTIN BLINERY	4.0	EL PASO NATURAL G
8414342		3002500000	108		STATE "A" A/C-2 #57	SO EUNICE 7 RVRS ON	0.6	PHILLIPS PETROLEU
-TENNCO OIL COMPANY				RECEIVED:	01/04/84	JA: NM		
8414357		3004520382	108-PB		STATE COM C #5	AZTEC	0.0	EL PASO NATURAL G
8414358		3004520382	108-PB		STATE COM C #5	AZTEC	0.0	EL PASO NATURAL G
8414359		3004520382	108-PB		STATE COM C #5	AZTEC	0.0	EL PASO NATURAL G
8414361		3004500000	108		STATE COM K #11	BLANCO PICTURED CLIFF	13.9	EL PASO NATURAL G
-TEXACO INC				RECEIVED:	01/04/84	JA: NM		
8414351		3002500000	108		W L NIX #6	DRINKYARD	2.9	CETTY OIL CO
-UNICOM PRODUCING CO				RECEIVED:	01/04/84	JA: NM		
8414354		3004567745	108-PB		PIERCE #1A	AZTEC	0.0	EL PASO NATURAL G
*****								
WEST VIRGINIA DEPARTMENT OF MINES								
*****								
-ATLAS ENERGY CORP				RECEIVED:	01/03/84	JA: WV		
8414252		4704700897	107-DV		ROBERT TYSON JR #1	WELCH QUAD (BROWN'S C	0.0	CITY OF WELCH W V
8414250		4704700898	103		ROBERT TYSON JR #3	WELCH QUAD (BROWN'S C	0.0	CITY OF WELCH W V
8414251		4704700898	107-DV		ROBERT TYSON JR #3	WELCH QUAD (BROWN'S C	0.0	CITY OF WELCH W V
-BAUSER WELL SERVICE INC				RECEIVED:	01/03/84	JA: WV		
8414258		4708526119	103		TED ROGERS #4	MURPHY DISTRICT	41.0	CONSOLIDATED GAS
8414259		4708526119	107-DV		TED ROGERS #4	MURPHY DISTRICT	41.0	CONSOLIDATED GAS
-C E RICHNER				RECEIVED:	01/03/84	JA: WV		
8414256		4704501037	103		MCDONALD LAND CO #15	ROAD FK OF SAND LICK	5.0	CONSOLIDATED GAS
8414255		4704501038	103		WINTERS & ROBINSON #1	GUYANDOTTE RIVER	15.0	CONSOLIDATED GAS
-CONTINENTAL PETROLEUM CO				RECEIVED:	01/03/84	JA: WV		
8414257		4702104063	103		MARKS #1	GLENVILLE NORTH	24.0	CONSOLIDATED GAS
8414261		4702104022	107-DV		MOORE-MESSENGER #1-A	GLENVILLE NORTH	14.0	COLUMBIA GAS TRAN
8414262		4702104023	107-DV		MOORE-MESSENGER #2-A	GLENVILLE NORTH	37.0	COLUMBIA GAS TRAN
8414260		4702104020	107-DV		ROGERS #3-A	GLENVILLE NORTH	24.0	COLUMBIA GAS TRAN
-H D WELLS OIL & GAS				RECEIVED:	01/03/84	JA: WV		
8414253		4703501821	103		L G BURDETTE FOUR	POND CREEK	7.0	GAS TRANSPORT INC
8414254		4703501820	103		L G BURDETTE THREE	POND CREEK	7.0	GAS TRANSPORT INC
-J & J ENTERPRISES INC				RECEIVED:	01/03/84	JA: WV		
8414263		4703325400	103		J-251	SARDIS	0.0	CARNEGIE NATURAL
8414226		4708506254	103		J-415	CLAY	0.0	CONSOLIDATED GAS
8414225		4708506255	103		J-416	CLAY	0.0	CONSOLIDATED GAS
8414230		4704103330	103		J-602	COURTHOUSE	0.0	CONSOLIDATED GAS
8414229		4708505984	103		J-682	CLAY	0.0	CONSOLIDATED GAS
8414228		4708505985	103		J-683	CLAY	0.0	CONSOLIDATED GAS
8414227		4708506196	103		J-744	CLAY	0.0	CONSOLIDATED GAS
-PEAKE OPERATING CO				RECEIVED:	01/03/84	JA: WV		
8414231		4708100619	102-2		NEW RIVER #20-AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414239		4708100619	107-DV		NEW RIVER #20-AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414235		4708100589	102-2		NEW RIVER 10 AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414232		4708100614	102-2		NEW RIVER 14-AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414234		4708100573	102-2		NEW RIVER 4 AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414238		4708100560	102-2		NEW RIVER 6-AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414236		4708100590	102-2		NEW RIVER 7 AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414233		4708100535	102-2		NEW RIVER 8 AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN
8414237		4708100591	102-2		NEW RIVER 9 AR	TOWN DISTRICT	5.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
PETROLEUM DEVELOPMENT CORP RECEIVED: 01/03/84 JA: WV								
8414266		4708506130	107-DV		DANIEL DONNELLY #2	GOOSE CREEK POOL	72.0	CONSOLIDATED GAS
8414269		4708506130	102-2		DANIEL DONNELLY #2	GOOSE CREEK POOL	72.0	CONSOLIDATED GAS
8414277		4708506130	103		DANIEL DONNELLY #2	GOOSE CREEK POOL	72.0	CONSOLIDATED GAS
8414267		4708506023	107-DV		FRANK DEEM #1	GRIFFINS	67.0	CONSOLIDATED GAS
8414273		4708506023	102-4		FRANK DEEM #1	GRIFFINS	67.0	CONSOLIDATED GAS
8414278		4708506023	103		FRANK DEEM #1	GRIFFINS	67.0	CONSOLIDATED GAS
8414265		4708506199	107-DV		GRIFFIN PRODUCING B#2	GRIFFINS	38.0	CONSOLIDATED GAS
8414271		4708506199	102-3		GRIFFIN PRODUCING B#2	GRIFFINS	38.0	CONSOLIDATED GAS
8414276		4708506199	103		GRIFFIN PRODUCING B#2	GRIFFINS	38.0	CONSOLIDATED GAS
8414268		4708505775	107-DV		PHILLIP STEARNS #1	GOOSE CREEK	59.0	CONSOLIDATED GAS
8414272		4708505775	103		PHILLIP STEARNS #1	GOOSE CREEK	59.0	CONSOLIDATED GAS
8414274		4708505775	102-4		PHILLIP STEARNS #1	GOOSE CREEK	59.0	CONSOLIDATED GAS
8414264		4708506319	107-DV		W G SANDY #1	GRIFFINS	55.0	CONSOLIDATED GAS
8414270		4708506319	102-3		W G SANDY #1	GRIFFINS	55.0	CONSOLIDATED GAS
8414275		4708506319	103		W G SANDY #1	GRIFFINS	55.0	CONSOLIDATED GAS
RIMROCK PRODUCTION CORP RECEIVED: 01/03/84 JA: WV								
8414244		4708506238	107-DV		BERDINE #2	DOG COMFORT RUN	22.0	KOBER OIL INC
8414246		4708506238	103		BERDINE #2	DOG COMFORT RUN	22.0	KOBER OIL INC
8414245		4707301623	103		KOBERNIK #1	DOG COMFORT RUN	14.6	TECHWELL INC
8414247		4707301623	107-DV		KOBERNIK #1	DOG COMFORT RUN	14.6	TECHWELL INC
SHILO RESOURCES (USA) INC RECEIVED: 01/03/84 JA: WV								
8414290		4702103742	107-DV		H S WESTFALL #1	GLENVILLE SOUTH	10.0	
8414292		4702103742	103		H S WESTFALL #1	GLENVILLE SOUTH	10.0	
8414291		4702103759	107-DV		H S WESTFALL #2	GLENVILLE SOUTH	30.0	
8414293		4702103759	103		H S WESTFALL #2	GLENVILLE SOUTH	30.0	
8414289		4702103761	107-DV		H S WESTFALL #4	GLENVILLE SOUTH	10.0	
8414294		4702103761	103		H S WESTFALL #4	GLENVILLE SOUTH	10.0	
STERLING DRILLING AND PROD CO INC RECEIVED: 01/03/84 JA: WV								
8414243		4701303561	107-DV		PRICE #781	LEE DISTRICT	6.7	
8414242		4701303557	107-TF		ROMINE #772	LEE DISTRICT	11.6	
STONEWALL GAS CO RECEIVED: 01/03/84 JA: WV								
8414299		4703302663	108		RICHARD K BROWN 66-B (58-435)	LOST CREEK GRANT DIST	15.0	CONSOLIDATED GAS
8414298		4703302693	108		S W CURRY #1 114-5	SARDIS DISTRICT	20.0	CONSOLIDATED GAS
STONEWALL GAS CO INC RECEIVED: 01/03/84 JA: WV								
8414241		4700101457	108		JOHN M REED JR 67-B (58-387)	MITCHELL RUN PLEASANT	22.0	CONSOLIDATED GAS
8414240		4703302631	108		JOHN R MARTIN #1 81-5	TENMILE DISTRICT	2.5	CONSOLIDATED GAS
SWIFT ENERGY CO RECEIVED: 01/03/84 JA: WV								
8414279		4709100285	107-DV		D SHAFFER #2	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8414284		4709100285	102-2		D SHAFFER #2	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8414280		4709100321	107-DV		F BENNETT #1	FETTERMAN DISTRICT	35.0	TENNESSEE GAS PIP
8414283		4709100321	102-2		F BENNETT #1	FETTERMAN DISTRICT	35.0	TENNESSEE GAS PIP
8414285		4709100328	102-2		L FRANK #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8414286		4709100323	107-DV		L FRANK #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8414281		4709100341	107-DV		MULLIN #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8414282		4709100341	102-2		MULLIN #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8414287		4709100328	102-2		R BRYAN #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
8414288		4709100328	107-DV		R BRYAN #1	FETTERMAN DISTRICT	50.0	TENNESSEE GAS PIP
UNION DRILLING INC RECEIVED: 01/03/84 JA: WV								
8414297		4709702562	103		LUCILE MEARNS AGT #3 1870	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8414295		4709702563	103		LUCILE MEARNS AGT #5 1872	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8414296		4709702534	103		R R COLERIDER ESTATE #3 1854	MEADE DISTRICT	0.0	EQUITABLE GAS CO
WACO OIL AND GAS CO INC RECEIVED: 01/03/84 JA: WV								
8414248		4702103973	103		MOORE #2A	BEARPEN RUN	8.0	CONSOLIDATED GAS
8414249		4702104054	107-DV		ZINN #1A	BRAKE HOLLOW	25.0	COLUMBIA GAS TRAN
*****								
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM								
*****								
BTA OIL PRODUCERS RECEIVED: 01/03/84 JA: NM 4								
8414221	RNM 0003-83	3002527941	103		MADDOX FEDERAL B-8016 JV-P #1	ANTELOPE RIDGE (MORRO)	878.6	PHILLIPS PETROLEU
CONOCO INC RECEIVED: 01/03/84 JA: NM 4								
8414222	DNRNM0001483	3002526486	103		BRITT B #26	NMFU - MONUMENT TUBB	15.3	WARREN PETROLEUM
DEPCO INC RECEIVED: 01/03/84 JA: NM 4								
8414223	RNM 0021-83	3000561928	102-2	107-TF	ROSE FEDERAL #7	PECOS SLOPES ABO	300.0	TRANSWESTERN PIPE
EXXON CORPORATION RECEIVED: 01/03/84 JA: NM 4								
8414309	NM0414-83	3002520888	103		ISLER FEDERAL #4	UNDESIG MANY GATES	120.0	
GULF OIL CORPORATION RECEIVED: 01/03/84 JA: NM 4								
8414315	NM0070-83	3000520863	102-3		EAST WHITE RANCH DEEP UNIT #1	EAST WHITE RANCH ATOK	0.0	CABOT CORP
8414310	NM0546-83	3002510833	108		LAMUNYON FEDERAL "A" #2	LANGLIE MATIX	9.1	EL PASO NATURAL G
HIGHLAND PRODUCTION CO RECEIVED: 01/03/84 JA: NM 4								
8414220	RNM-0017-83	3002528101	103		RUSSELL FEDERAL #9 WELL	EAST MASON (DELAWARE)	36.5	PHILLIPS PETROLEU
LIBERTY OIL & GAS CORP RECEIVED: 01/03/84 JA: NM 4								
8414213	NM 0578-83	3001524209	103		LEE FEDERAL #1	BURTON FLAT-MORROW	365.0	TRANSWESTERN PIPE
8414218	RNM-0040-83A	3001524349	103		LEE FEDERAL 'COM' #2	BURTON FLAT-MORROW	1095.0	TRANSWESTERN PIPE
8414219	RNM-0040-83B	3001524349	103		LEE FEDERAL 'COM' #2	WILDCAT-ATOKA	730.0	TRANSWESTERN PIPE
MCKAY OIL CORP RECEIVED: 01/03/84 JA: NM 4								
8414214	NM 0498-83	3000561912	102-2	107-TF	APRIL FEDERAL #4	PECOS SLOPE ABO (GAS)	40.0	TRANSWESTERN PIPE
8414216	NM 0507-83	3000561278	102-2	107-TF	SHERRI FEDERAL #1	PECOS SLOPE ABO (GAS)	0.0	TRANSWESTERN PIPE
MESA PETROLEUM CO RECEIVED: 01/03/84 JA: NM 4								
8414217	RNM 0028-83	3000561670	102-2	107-TF	CHINA FEDERAL #15	WEST PECOS SLOPE ABO	850.0	
PETROLEUM CORPORATION OF TEXAS RECEIVED: 01/03/84 JA: NM 4								
8414215	NM 0476-83	3002528148	103		FEDERAL J #1	QUERECHO PLAINS QA	102.2	PHILLIPS PETROLEU
SUPERIOR OIL CO RECEIVED: 01/03/84 JA: NM 4								
8414224	RNM-0102-83	3002528191	103		GOVERNMENT "9" WELL #2	SCHARB	105.0	PHILLIPS PETROLEU
8414308	NM-0319-83	3002527623	107-TF		OCHOA FEDERAL #1	WILDCAT	0.0	
YATES PETROLEUM CORPORATION RECEIVED: 01/03/84 JA: NM 4								
8414212	NM 0508-83	3001524330	102-3		BENSON DEEP UNIT #3	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
8414312	RNM0044-83	3000561941	102-2	107-TF	CATTERSON "SS" FED #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8414311	RNM0042-83	3000561561	102-2	107-TF	DORTS "RI" FED #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8414313	RNM-0043-83	3000561939	102-2	107-TF	DUNCAN "LH" FED #2	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8414314	RNM0049-83	3000561744	102-2	107-TF	HUCKABY "TJ" FED #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8414211	NM 0481-83	3000561932	102-3	107-TF	TECKLA "MD" FED #4-Y	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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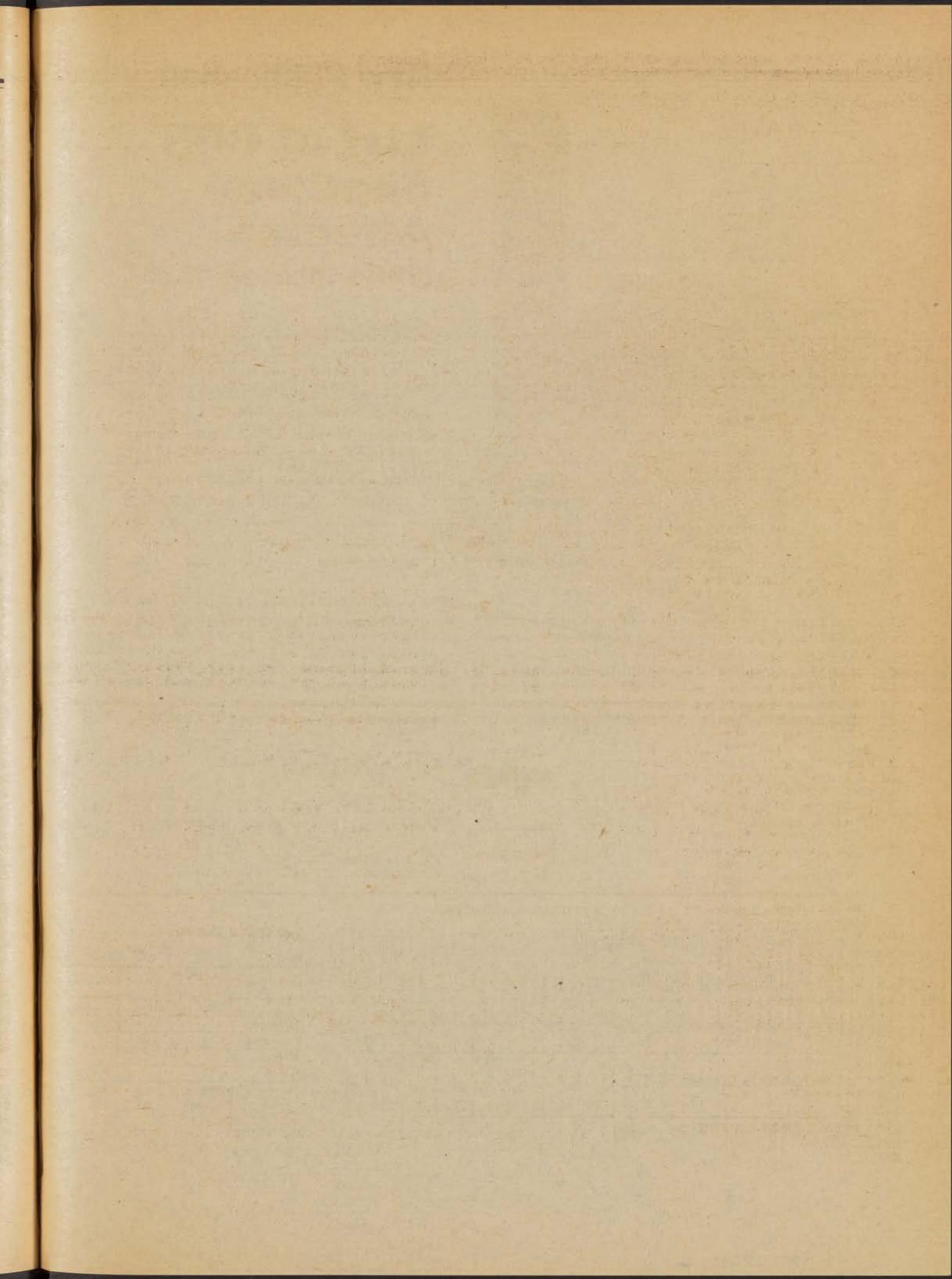
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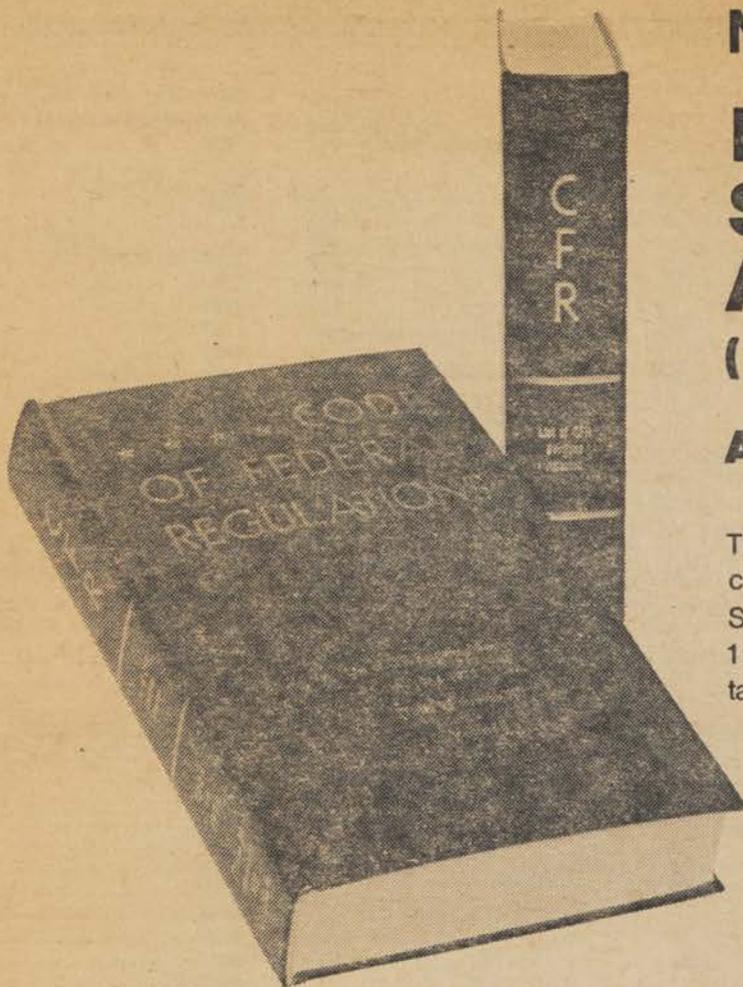
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