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Tuesday
October 23, 1984

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Environmental Protection Agency

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Federal Aviation Administration

Customs Duties and Inspection
Customs Service

Endangered and Threatened Species
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Presidential Documents

Title 3—

The President

Proclamation 5265 of October 18, 1984

National Women Veterans Recognition Week, 1984

By the President of the United States of America

A Proclamation

I am honored indeed to bring to the Nation's attention the remarkable contributions of women veterans. During World War I, the service of women on active duty as nurses, shipyard personnel, and battlefield telephone operators was indispensable. In World War II, women served in support and operational capacities around the world. Since World War II, women have been fully integrated into the military services. Today there are more than 1.2 million women veterans.

As active participants in America's defense, women serving in the Armed Forces have safeguarded our heritage. Their courage, selflessness, and dedication to duty deserve our deepest gratitude. Let us revere always the memory of those who gave their lives in military service; let us honor anew those who served valiantly on landing beaches, in field hospitals, and in prisoner-of-war camps.

Our laws grant equal rights, privileges, and benefits to women veterans; and my Administration will continue to ensure that women veterans are afforded the benefits and services to which they are entitled. I know that all Americans join me in saluting these patriotic and dedicated women and in expressing the Nation's appreciation for their service.

In order to show our appreciation for the contributions of women veterans, the Congress, by Senate Joint Resolution 227, has designated the week beginning November 11, 1984, as "National Women Veterans Recognition Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 11, 1984, as National Women Veterans Recognition Week.

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

Ronald Reagan

[FR Doc. 84-28013
Filed 10-19-84; 12:05 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5266 of October 19, 1984

A Time of Remembrance for All Victims of Terrorism Throughout the World

By the President of the United States of America

A Proclamation

Terrorism poses an insidious challenge to the principles of freedom cherished by peace-loving peoples everywhere. Despicable acts such as the recent attack on Prime Minister Thatcher in England, the bombings of our Marine Amphibious Unit Headquarters, and of our Embassy facilities in Beirut, Lebanon, represent an attempt to strike at the very heart of Western democratic values. In the month of September, 37 attacks were carried out by 13 different terrorist groups affecting the people of 20 nations.

As a world power, the United States bears global responsibilities from which we must not shrink in the face of cowardly attempts at intimidation. Instead, we must strive to carry forward the heroic legacy of those brave people who, in the search for peace and justice, have lost their lives to international terrorism. Because terrorism poses such a pervasive and insidious threat to all free peoples and claims so many innocent victims in its indiscriminate brutality, we of the Western democracies have embarked on a course of improved cooperation to counter this scourage against humanity. To this end, it is appropriate that we reflect on the tragic loss of life that senseless terror leaves in its wake throughout the world. We do this not out of fear or trepidation, but to show our resolve that the free people of this world will not be deterred from our purpose by threats of terrorism.

The Congress, by Senate Joint Resolution 336, has designated October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 23, 1984, as a Time of Remembrance for all victims of terrorism throughout the world, and I urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom.

I further call upon and authorize all departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half-staff on October 23 in the hope that the desire for peace and freedom will take firm root in every person and every nation.

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

Ronald Reagan

[FR Doc. 84-28043
Filed 10-19-84; 2:32 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5267 of October 19, 1984

United Nations Day, 1984

By the President of the United States of America

A Proclamation

The founding of the United Nations 39 years ago offered new hope that international political, economic, social and technical cooperation could be achieved in a more peaceful world. That hope remains, though we are aware of the difficulties in turning it into reality. The deeply rooted political conflicts that divide nations have at times prevented the proper use of the United Nations for the practical expression of the principles embodied in its Charter. We have been particularly disappointed with some of the actions taken at the United Nations in recent years, actions which fall far short of the high ideals on which that organization was founded.

The United States nonetheless continues to place considerable importance on the United Nations as the body designed to afford all nations opportunities for the peaceful settlement of disputes and for the promotion of technical cooperation in such areas as aviation, shipping, telecommunications, postal services and agriculture. It is the hope of the United States that the UN will live up to its founding principles and create the conditions which will encourage nations to cooperate for the furtherance of their common interests. It is vital that all member nations do their part in pursuit of this goal, that the principle of universality be upheld in UN actions, and that with respect to human rights all states be held to a single standard of justice.

The people and government of the United States feel a close identification with the mission of the United Nations and watch closely what happens there. We take seriously the content of the speeches made in the United Nations, and we take careful note of the votes cast by member countries. We are keenly conscious of the importance of the United Nations to the world community. With the experience gained from the past 39 years, we will work with other member nations to maintain international peace and security, to develop friendly relations among nations based on mutual respect, to find solutions to the problems that divide us, and to promote respect for the human rights of every individual.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Wednesday, October 24, 1984, as United Nations Day and urge all Americans to acquaint themselves better with the activities and accomplishments of the United Nations. I have appointed Theodore A. Burtis to serve as 1984 United States Chairman for United Nations Day, and I welcome the role of the United Nations Association of the United States of America in working with him to celebrate this special day.

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

Ronald Reagan

[FR Doc. 84-28044
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Presidential Documents

Proclamation 5268 of October 19, 1984

Veterans Day, 1984

By the President of the United States of America

A Proclamation

The eleventh hour is often used to mean "the last possible time." The First World War was ended on the eleventh hour—as well as the eleventh day in the eleventh month.

If the idealistic hope that World War I was "the war to end all wars" had been realized, November 11 might still be called Armistice Day. But World War II shattered that dream. And after the Korean War, Armistice Day became Veterans Day. Under that name, each November 11, our Nation shows its respect for those who have worn its uniform in defense of freedom.

Veterans Day has become a significant part of our national heritage as we recognize the important contributions of millions of our citizens whose military service has had a profound effect on history. More than 39 million in number, they fought and died from Bunker Hill to Bastogne, from the Marianas to the Mekong Valley in Vietnam. By preserving our freedom, they also made it possible for us to continue our search for a world at peace. That search remains the highest priority of my Administration. It is a debt we owe to the soliders, sailors, and airmen who put their lives at risk so that their children and grandchildren would never need to know the horrors of war.

Veterans Day offers the Nation an opportunity to show our pride and say "thank you." Furthermore, it provides an important opportunity to rededicate ourselves to Lincoln's call to Congress and the American people "to care for him who shall have borne the battle, and for his widow and his orphan."

Eighty-five percent of the 28 million veterans alive today served during our country's wars. Just as they did not disappoint us in battle, they have not disappointed us in our present search for peace. Their service significantly influences America's role in world affairs, and they all deserve our gratitude.

I believe we should all seek ways to express our collective appreciation for their service and sacrifice. I invite all Americans to join me in observing Veterans Day—through appropriate ceremonies, activities and private thoughts on November 11.

In order that we may pay meaningful tribute to those men and women who proudly served in our Armed Forces, Congress has provided (5 U.S.C. 6103(a)) that November 11 shall be set aside each year as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, November 11, 1984, as Veterans Day, and I invite all Americans to join with me in paying tribute to those patriots of all generations who have drawn upon their freedom for the will and the courage to fight for their country and the ideals for which it stands.

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

Ronald Reagan

[FR Doc. 84-28045
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Presidential Documents

Proclamation 5269 of October 19, 1984

Thanksgiving Day, 1984

By the President of the United States of America

A Proclamation

As we remember the faith and values that made America great, we should recall that our tradition of Thanksgiving is older than our Nation itself. Indeed, the native American Thanksgivings antedated those of the new Americans. In the words of the eloquent Seneca tradition of the Iroquois, ". . . give it your thought, that with one mind we may now give thanks to Him our Creator."

From the first Pilgrim observance in 1621, to the nine years before and during the American Revolution when the Continental Congress declared days of Fast and Prayer and days of Thanksgiving, we have turned to Almighty God to express our gratitude for the bounty and good fortune we enjoy as individuals and as a nation. America truly has been blessed.

This year we can be especially thankful that real gratitude to God is inscribed, not in proclamations of government, but in the hearts of all our people who come from every race, culture, and creed on the face of the Earth. And as we pause to give thanks for our many gifts, let us be tempered by humility and by compassion for those in need, and let us reaffirm through prayer and action our determination to share our bounty with those less fortunate.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in the spirit and tradition of the Iroquois, the Pilgrims, the Continental Congress, and past Presidents, do hereby proclaim Thursday, November 22, 1984, as a day of National Thanksgiving. I call upon every citizen of this great Nation to gather together in homes and places of worship to celebrate, in the words of 1784, "with grateful hearts . . . the mercies and praises of their all Bountiful Creator . . . ."

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

Ronald Reagan

[FR Doc. 84-28046
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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.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for "Class 3" Native Spearmint Oil for the 1984–85 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule increases the quantity of "Class 3" Native Spearmint Oil produced in the Far West that may be purchased from, or handled for, producers by handlers during the 1984–85 marketing year. That year began June 1, 1984. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions and was recommended by the Spearmint Oil Administrative Committee, which works with the USDA in administering the spearmint oil marketing order.

EFFECTIVE DATE: June 1, 1984, through May 31, 1985.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5053.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

Eddie F. Kimbrell, Acting Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice because a situation exists which warrants publication and implementation of this action without opportunity for a public comment period. This action increases the salable quantity and allotment percentage for "Class 3" Native Spearmint Oil for the 1984–85 marketing year. It relieves restrictions on handlers by increasing the quantity of "Class 3" Oil that may be freely marketed immediately and should be effective as soon as possible to enable handlers to satisfy current market needs for "Class 3" Oil. In the absence of this action being made effective promptly, the Committee's goal of maintaining stable marketing conditions could be defeated.

Further, under this marketing program, the salable quantity and allotment percentage established for a class of oil for a particular marketing year, and any revisions thereof, apply during the entire marketing year. The current marketing year began June 1, 1984, and the revisions made herein will automatically apply beginning with that date. Handlers are aware of this action and need no advance notice.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this final action are impracticable and contrary to the public interest; and that this final action should be made effective less than 30 days after publication of this document in the **Federal Register.**

The Spearmint Oil Administrative Committee recommended that the salable quantity and allotment percentage for "Class 3" Native Spearmint Oil for the 1984–85 marketing year be increased. The salable quantity and allotment percentage for that class of oil was issued on March 19, 1984, and published in the **Federal Register** on March 22, 1984 (§ 985.204; 49 FR 10654). The revision would increase the salable quantity from 745,151 pounds to 851,512 pounds and increase the salable percentage from 42 percent to 48 percent. The Committee is established under, and its recommendations are made pursuant to, the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West, hereinafter referred to collectively as the "order" (7 CFR Part 985). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The revision is pursuant to § 985.51 of the marketing order program.

The salable quantity is the total quantity of a class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for that class of oil.

The market for "Class 3" Oil has remained strong over the past several months and in order to meet market needs a higher salable quantity and allotment percentage for "Class 3" Oil are required. Thus, the Committee recommended a salable quantity of 851,512 pounds and an allotment percentage of 48 percent. The salable percentage is computed by dividing the salable quantity by 1,774,169 pounds, which is the total of all 1984 allotment bases.

The Committee determined that an additional 106,450 pounds of "Class 3" Oil would be needed from 1984 production to meet current anticipated market needs for the 1984–85 marketing year.

After consideration of all relevant matter presented, including that in the action issued on March 19, 1984, in connection with the initial establishment of the salable quantity and allotment percentage of "Class 3" Oil, the information and recommendation submitted by the Committee, and other available information, it is found that to amend § 985.204 (49 FR 10654) so as to change the salable quantity and allotment percentage for "Class 3" Native Spearmint Oil, as set forth below, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 985

Marketing Agreements and Orders, Spearmint Oil.

PART 985—[AMENDED]

Therefore, § 985.204 is amended by revising paragraph (b) to read as follows: (The following provisions will

not be published in the Code of Federal Regulations).

§ 935.204 Salable quantities and allotment percentages—1984-85 marketing year.

* * * * *

(b) Class "3" Oil—a salable quantity of 851,512 pounds and an allotment percentage of 48 percent.

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

Dated: October 18, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 84-27972 Filed 10-22-84; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 82-023F]

New Line Speed Inspection System for Broilers and Cornish Game Hens

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal poultry products inspection regulations by establishing an alternate voluntary method of post-mortem inspection for broilers and cornish game hens known as the "New Line Speed" (NELS) inspection system. The NELS inspection system requires three inspectors on each eviscerating line to inspect the whole carcass of all birds; each inspector inspecting every third bird. Establishments are responsible for performing the necessary trim of designated defects on the passed carcasses and for operating a quality control program designed to assure that poultry as shipped is wholesome and properly prepared. The final rule also establishes staffing and facility requirements for the system based on work measurement data. Studies show that application of the NELS inspection system to broiler and cornish game hens production lines results in an increase in the number of birds per minute that can be inspected effectively. This will allow increased efficiency in the use of Department resources and those of the poultry industry, while still providing consumers with wholesome and otherwise unadulterated products.

EFFECTIVE DATE: November 23, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made a determination that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The principal effect of this final rule is to offer the Department and industry an alternative to current inspection procedures for broilers and cornish game hens which will result in increased productivity. If an establishment chooses to operate under the NELS inspection system, certain new requirements will be placed upon the establishment; however, these requirements will be counterbalanced by the dollar gain resulting from the increased productivity.

Effect on Small Entities

The Administrator, FSIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The NELS inspection system is merely an alternate inspection procedure; any establishment adopting NELS and meeting the requirements of the system does so voluntarily.

Background

Pursuant to legislation the United States has had mandatory poultry inspection since 1959. The Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) (PPIA) requires, among other provisions, that the Secretary of Agriculture, through appointed inspectors, carry out a post-mortem examination of the carcasses of each bird processed in each official establishment processing poultry for commerce or otherwise subject to inspection under the Act. The post-mortem inspection is performed by veterinarians or trained food inspectors under veterinary supervision. Working on a moving production line, inspectors view the exterior, interior, and viscera (internal organs) of each bird slaughtered for the purpose of detecting disease or other conditions which could render the carcass or any part thereof unfit for human food. In performing the examination, the inspectors follow standardized inspection procedures and initiate actions consistent with their findings. The procedures are designed to provide assurance that only wholesome carcasses and parts are passed for human food.

Post-mortem inspection of meat and poultry requires a larger portion of the Department's expenditures for meat and poultry inspection. Consequently, the Department's ongoing responsibility for efficent utilization of its resources is especially important with respect to post-mortem inspection. Use of the most efficient post-mortem inspection procedures and staffing standards is necessary to minimize costs to the public. After conducting tests with the NELS inspection system, the Department has concluded that this system will enable both the Department and the industry to become more efficient with no loss in consumer protection.

Poultry Inspection Procedures

Prior to this rule there were two inspection procedures used for inspecting broilers and cornish game hens, namely traditional inspection and modified traditional inspection. The NELS inspection system is an additional inspection procedure, available to plant operators committing themselves to having specified facilities and procedures that assure wholesome and properly prepared poultry, which allows both the Department and plant operators to better utilize their resources.

A. Traditional Inspection Procedure

Traditional inspection is a procedure by which one inspector inspects the whole bird and is responsible for the proper disposition of the bird, including any required trimming, before it leaves the inspection station. The traditional inspection procedure was satisfactory to FSIS and the poultry industry for many years.

B. Modified Traditional Inspection (MTI) Procedure

In the middle 1970's the development of automated evisceration equipment, as well as improvements in genetics, nutrition, health, and flock management, allowed the poultry industry to present uniform lots of birds to inspectors faster than inspectors could properly inspect the birds under the traditional inspection procedure. Therefore, a new inspection procedure was developed in 1978 which allowed better utilization of

inspection resources and permitted the poultry industry to take advantage of these new technologies and production improvements. This new procedure, called "Modified Traditional Inspection" (MTI), allows industry to run an eviscerating line at speeds of up to 70 birds per minute.

MTI reduces the number of motions required of each of three inspectors on the lines by splitting post-mortem inspection into two functional tasks. One task is the outside inspection of each prepositioned carcass, using a mirror to observe surfaces not directly visible. The second task, inside and viscera inspection, is performed after plant personnel reposition the carcass and its attached viscera.

C. New Line Speed (NELS) Inspection System

Since the implementation of MTI, the poultry industry has continued to make significant technological advances. Consequently, many establishments can present uniform lots of birds to inspectors faster than 70 birds per minute. This has been made possible by the increased use of further refinement of automated equipment, and through better control of the production process. In such cases, the inspection process has again become a limiting factor in establishment productivity, and restricts the return investment on the development and installation of modern, innovative equipment and facilities. Merely expanding the use of current inspection procedures would not alleviate this restraint given the limits on the line speeds attainable under traditional or MTI inspection procedures. Furthermore, merely increasing the use of these procedures would be inefficient, and would place demands upon Department resources which would be difficult to meet.

Recent studies have reinforced the Department's longstanding view that Federal inspection is more efficient and effective in establishments where quality control is emphasized. This is in contrast to establishments which do not have or maintain the facilities, personnel or procedures necessary to assure the highest practicable degree of quality control. Such establishments may tend to rely on Federal inspection as a substitute for the proper control of their own operations, to place the Federal inspectors in a burdensome, quasi-supervisory role not appropriate under the PPIA. The NELS inspection procedure eliminates much of the need for post-mortem inspectors to act in such a role. It requires that participating establishments have and maintain specific quality control facilities, personnel and procedures, as spelled out in a written partial quality control agreement by the Department, thereby assuring the inspector in charge that certain functions are being effectively performed by the plant.

The NELS inspection system utilizes three post-mortem inspectors on each eviscerating line. Each inspects the outside (with the aid of a mirror), the inside, and the viscera of every bird presented; each is presented every third bird on the line. The inspectors determine whether the bird should be condemned, salvaged, retained for disposition by a veterinarian, reprocessed, or proceed down the line as a passed bird subject to reinspection.

After post-mortem inspection is completed at the inspection stations, plant employees independently perform any necessary trim on all passed carcasses after the giblets are harvested. Under traditional and MTI inspection procedures, the inspector is responsible for identifying those carcasses needing to be trimmed, directing the establishment employee to trim the defects, and verifying that the bird has been properly trimmed. However, the NELS inspection system shifts the responsibility of performing specified trim to the establishment employees.

Thus, the complete NELS inspection system consists of three inspectors performing the NELS inspection procedure, and an inspector monitoring the application of the approved partial QC program and assuring that the program is being followed.

Poultry Carcass On-Line Quality Control (PCOLQC) Program

The poultry carcass on-line quality control (PCOLQC) program is a statistically based sampling system designed to assure control of an establishment's processing operations. It is the basis for approval of the use of the NELS inspection system in any establishment. The program consists of two parts—plant quality control (QC) and the Department's monitoring of the QC program.

The plant QC program is a partial QC program, applied for and approved by the Administrator under the requirements in this regulation and § 381.145 (9 CFR 381.145). It consists of the identification of all points on the eviscerating line critical to the quality of the carcass, and, in operation, periodic checks at each point to determine compliance with predetermined standards. Products not meeting the standards are subject to corrective actions predetermined and described in the approved QC program.

A carcass reinspection station is located at a point on the eviscerating line after the carcasses have been trimmed and washed. At this point, carcasses are sampled and examined, and findings are reported by plant quality control personnel as prescribed in the PCOLQC program.

The Department's monitoring program consists primarily of reviewing data and if necessary, sampling product at those points on the eviscerating line critical to the performance of inspection activities and to the wholesomeness of product.

Under the NELS inspection system, USDA inspectors are responsible for inspecting carcasses and for monitoring the plant's application of the quality control program—for reviewing all data collected under the partial QC program and for conducting regular verification and evaluation sampling and observations to assure that the plant's data are accurate and truthful and that ready-to-cook poultry conforms to all applicable regulatory requirements.

Designing and Testing the NELS Inspection System

Effectiveness studies to test the NELS system and compare it with both traditional and MTI procedures were conducted. Testing was performed in one plant using MTI for comparison, and in two plants using traditional inspection for comparison.

The effectiveness test results indicated that there were no significant differences in error rates among traditional inspection, MTI, and NELS inspection.

Inspection Rates/Line Speeds

In conjunction with the effectiveness study, the amount of work performed by the inspectors using the NELS inspection procedure was measured by the Department. These data were used to determine both the time required to perform the task of inspection and the maximum line speeds.

The maximum line speed achievable under NELS is 91 birds per minute. This speed may be reached when all plant conditions are optimal. The inspector in charge is responsible for reducing the line speed when, in his/her judgment, the existing NELS system does not permit adequate inspection because the birds are not presented properly or the health conditions of a particular flock dictate a need for a more extended inspection procedure.

Impact of the NELS Inspection System on Facility Requirements

Establishments choosing to use the NELS inspection system must meet

certain equipment and facility requirements. These requirements are all listed in the regulation herein. Although these facility changes will involve some costs to the establishments, FSIS anticipates that the cost will be outweighed by the savings resulting from higher line speeds attained by operating under the NELS system.

Discussion of Comments

Comments on the proposed rule were solicited from interested parties in the January 20, 1984, **Federal Register** (49 FR 2473) and again in the proposed rule correction published in the February 28, 1984 **Federal Register** (49 FR 7242). The comment period closed April 30, 1984. The Agency received 83 comments within the allotted time period—16 from poultry processors, 5 from poultry industry associations, 9 from consumers, 53 from USDA poultry inspectors, 2 from universities and 1 from an employee association.

The following are summaries of those comments and the Agency's response to each issue:

A. Poultry Processors

While many of the comments from the poultry processors regarding the NELS inspection system were favorable, they raised questions in three major areas: facility requirements, viscera presentation, and the Quality Control (QC) program.

Comment: The 42 feet space requirement for the three inspection stations should be reduced.

Response: The space requirements for the NELS system are specific for the presenter, inspector, and the helper. The 6 feet required for each of the three presenters is necessary in order to achieve proper and uniform presentation, an essential step if the NELS system is to attain speeds of 91 birds per minute (bpm). The 4 feet requirement for each inspector and each helper cannot be changed for two reasons. First, because the helpers work with sharp knives and scissors, if they work too close to the inspector, the danger of injuries increases. Second, the workload of the helper varies with the disease conditions of the bird. The birds on the line are continuously moving and when the amount of work increases, helpers must be able to continue to perform their functions. If the horizontal line space is restricted, they may not have sufficient time to carry out these functions properly.

Comment: The 60-inch height requirement at the inspection and reinspection stations is excessive and appears to be arbitrary.

Response: The 60-inch height requirement, along with an easily and rapidly adjustable platform is based on accommodating inspectors of different heights. Ergonomic measurements made by industrial engineers revealed specific position requirements needed for an inspector to perform with a minimum of strain and fatigue. Since rotation of inspectors is required, the stations must be adjustable. Based upon these calculations, the Department proposed the 60-inch requirement at all stations, including the reinspection station. However, subsequent testing of the NELS system in four pilot plants indicates that the 60-inch requirement is not necessary for reinspection activities. Therefore, the final rule permits a line height of 48 inches from the bottom of the shackle to the floor at the reinspection station (9 CFR 381.36(d)(2)(ii)).

Comment: The requirement of the recorder-counter at the reinspection station should be eliminated.

Response: During the development of the QC program, the Department believed a recorder-counter would be necessary at the reinspection station to aid in the counting and recording of processing and trim nonconformances (defects) on ten bird samples. Since then, through the testing of various form designs, it has become evident that counting and recording can be done very easily on the form, thus eliminating the need for a recorder-counter. Therefore, the final rule does not require a recorder-counter at the reinspection station. (9 CFR 381.36(d)(2)(v) in the proposal is deleted and (vi), (vii) and (viii) are redesignated (v), (vi) and (vii).)

Comment: The foot bumper requirement on the adjustable platform should be raised from ½ inch to 1 inch.

Response: The ½ inch height for foot bumpers is necessary in order to meet FSIS safety requirements. Any additional height could constitute a safety hazard for the inspectors as they enter or exit the platform.

Comment: Viscera should be allowed to be presented for inspection hung from either the leading or trailing side of the carcass.

Response: During the testing of the NELS inspection procedure, the Department believed that the viscera needed to be presented on the leading side of the carcass in order to inspect the maximum number of birds per minute. Consequently, the Department included such a presentation requirement in the proposed rule. Since then, further studies have shown the inspection procedure to be equally effective and efficient regardless of the side of the carcass on which the viscera is presented. Therefore, the final rule permits uniform presentation of viscera on either the leading or trailing side of the carcass. (9 CFR 381.76(b)(4)(i)(a)).

Comment: The regulation lacks detail in describing specific requirements of the NELS inspection system.

Response: The Department has developed a NELS guideline for processors interested in the system. This guideline describes in detail the specific requirements for presentation, trim and processing nonconformances. The processing nonconformances are comparable to the current AQL program for defects on carcasses processed under traditional inspection procedures.

Comment: How much will line speeds be lowered in case of unusual disease incidence?

Response: In the case of unusual disease incidences, line speeds will be lowered by the inspector in charge to the level at which the inspector(s) can effectively work and perform the proper inspection procedure.

Comment: Will it be difficult for plants to obtain Agency approval for their QC programs?

Response: The NELS System was operated in four pilot plants. Each one of the plants developed its own QC program—all of which were approved by the Agency. Because of the similarity of the poultry processing operation, the Critical Control Points and therefore the QC programs themselves were similar but not identical. The Department does not anticipate any problems with the processing plants meeting the criteria for acceptance.

Comment: What kind of orientation and training on the NELS system will there be for field personnel, and how will modifications to the QC program be implemented?

Response: The Agency has developed an intense 2 week training program for the inspector in charge, circuit supervisor, and area supervisor in addition to training which will be provided by special regional training teams.

The QC program will be developed by the plant and approved by the Agency at the Washington level. Minor subsequent modifications to the program may be approved at the local level.

Comment: How will trim factors be correlated and what will be the system for appealing disagreements?

Response: Under the NELS System, the plant is responsible for identifying and removing trim defects. The inspector in charge is responsible for correlating criteria for trim with the QC personnel. Any disagreements on the interpretation of criteria may be

appealed to higher inspection service officials.

Comment: With an AQL standard, why is it necessary to have a QC program?

Response: Under traditional poultry inspection, the inspector controls the process by identifying all defects, directing the plant trimmer to remove the defects and verifying the work of the trimmer. The AQL program is designed to control certain processing defects not directly controlled by the inspector, such as feathers and foreign material. With the NELS inspection system, the plant is responsible for performing the necessary trim of designated defects on the passed carcasses. The plant operated QC program, monitored by the inspection service, is designed to control process operations. The finished product standards serve as only one of many checks on the process.

Comment: The actions prescribed under the QC program should be flexible enough to address any given situation.

Response: The Department agrees with this commentator and believes the QC program provides such flexibility.

Comment: Is there a possibility that the inplant inspector may arbitrarily require a change to an approved program?

Response: As discussed in a previous response, the PCOLQC program is designed by the plant and approved by the Administrator. Minor modifications may subsequently be made by the plant on approval of the inspector in charge. The inplant inspection personnel are not authorized to unilaterally require changes to an approved program.

B. Poultry Industry Associations

A number of comments were favorable to the NELS inspection system. The poultry trade associations' major concern was that the guidelines were too complex.

Comment: The Development Guidelines for the NELS inspection system should be simplified and the number of forms and instructions minimized.

Response: The development guidelines are designed as self-instructional materials to be used by plant operators with little or no knowledge or prior experiences in applying the principles of QC. Since the materials are self-instructional, individuals can review them at their own pace. The four NELS pilot plants used the guidelines to develop their QC program and found the example of a QC program and the sample forms included in the guidelines to be straightforward, concise and helpful. Nonetheless, suggestions on specific ways in which the guidelines can be improved will be welcomed at any time.

C. Consumers

All nine consumer's comments were in regard to quality and wholesomeness of product.

Comment: The NELS System will lead to a reduction in the quality and wholesomeness of poultry in commerce.

Response: The NELS inspection system was tested and compared with both traditional and MTI procedures. The results indicate no differences in either the wholesomeness of quality of poultry produced under the NELS system.

D. USDA Inspectors

Fifty comments from USDA poultry inspectors were received. Their comments covered the two issues addressed below.

Comment: The NELS inspection system will result in more errors and will dilute consumer protection.

Response: The NELS inspection system was tested against both traditional and MTI procedures. The results of these tests indicated that the NELS System was equally as effective in protecting the consumer against diseased and unwholesome birds.

Comment: The increased line speed of the NELS System will increases the inspector's fatigue and create more stress.

Response: Regarding fatigue, the amount of work associated with the job of inspection under the NELS System was measured by industrial engineers and determined to be equal to the workload of the traditional and MTI procedures.

Job stress is difficult to measure. It is also difficult to differentiate job stress from stress associated with other life events including the implementation of changed methods of inspection. The Department's tests and studies did not indicate that the NELS inspection system caused inspectors undue stress. However, as a result of a recent National Basic Agreement negotiated by FSIS and the National Joint Council (NJC) of Food Inspection Locals, FSIS has agreed to establish a joint labor management committee, with equal representation and a neutral chair, to study the sources of stress in the workplace and to make recommendations for actions to the management with responsibility for workplace safety and productivity and to the NJC Chairman. It was further agreed that the agenda items shall include further work, with inspector involvement, on defining the biomechanical demands imposed by the inspection job and means of their alleviation through workplace redesign. Both recipients shall respond in writing within 90 days of receipt, to the chair, as to the acceptability of such recommendations.

E. Universities

Comments from universities included concerns with certain facility requirements, which were answered previously in the responses to the poultry processors comments and the following two concerns in regard to aspects of the QC program.

Comment: As the plant assumes more responsibility for producing a quality product, it increases the plant's workload. There is concern that the plant will therefore shirk this responsibility.

Response: The QC program is designed to control this and other potential problems. The plants' failure to perform the necessary work to maintain quality will be detected through monitoring of the operations.

Comment: The approved QC program should be flexible so the plant can adjust the program as needed during the implementation phase.

Response: The approved QC program will be designed specifically by each plant for its own particular operation and can be modified as needed with the approval of the inspector in charge and circuit supervisor.

F. Employee Association

This has three main concerns. They are:

Comment: Since the NELS System is based upon having very healthy birds, will the inspection team have explicit advice and authority to slow the line as needed when an increase in disease or defects occurs?

Response: The NELS System is designed to operate at maximum speeds only when normal birds are slaughtered. When unusual disease conditions occur, the inspector in charge does have the authority and responsibility of adjusting the line speed to allow the inspector the proper amount of time to inspect those birds. Actions on dressing defects are adequately addressed in the plant's quality control program of the NELS System.

Comment: There is concern regarding the acceptability of a certain number of unwholesome defects in the QC program.

Response: The NELS System does not deem "acceptable" any unwholesome carcasses or parts. The Finished Product Standards are one of many checks on the effectiveness of the plant operated

QC program. In the event that a sampled carcass is found to have defects which should have been trimmed during the processing operation, the defect shall be removed, the finding recorded, and the production supervisor notified. These actions are designed to prevent unwholesome carcasses and parts from being passed for human food.

Comment: Will the Supervisory Veterinary Medical Officer have the extra workload for monitoring the Poultry Carcass Online Quality Control program or will help be provided?

Response: The inspection services will monitor the QC program using a predetermined, randomly based, confidential inspection plan. The monitoring jobs have been work measured, and this information will be considered when staffing plants operating under the NELS System.

Final Rule

FSIS has determined that the NELS inspection system offers a viable alternative to traditional and modified traditional inspection of broiler and cornish game hens. Any producers who choose to implement the NELS inspection system must comply with the facility requirements as listed in the final rule and maintain a PCOLQC program which meets Department approval. After careful consideration of the comments received following the publication of the proposed rule in the **Federal Register** January 20, 1984 (49 FR 2473) and the correction to the proposed rule February 28, 1984 (49 FR 7242) and subsequent testing of the NELS inspection system, FSIS is adopting the proposal as published with the modifications previously discussed herein and certain other modifications which further clarify details of the inspection procedures.

List of Subjects in 9 CFR Part 381

Facilities, Poultry products inspection, Post-mortem, Quality control, Reporting and recordkeeping requirements.

PART 381—[AMENDED]

1. The authority citation for Part 381 is revised to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, 21 U.S.C. 451 *et seq.;* 76 Stat. 663 (7 U.S.C. 450 *et. seq.*).

2. Section 381.36 (9 CFR 381.36) is amended by adding a new paragraph (d) to read as follows:

§ 381.36 Facilities required.

* * * * *

(d) Facilities for the New Line Speed (NELS) inspection system. The following requirements for lines operating under the NELS inspection system are in addition to the normal requirements to obtain a grant of inspection and to the requirements for NELS in § 381.76 (b) and (c).

(1) The following provisions shall apply to every inspection station:

(i) The conveyor line shall be level for the entire length of the inspection station. The vertical distance from the bottom of the shackles to the top of the adjustable platform (paragraph (d)(1)(iv) of this section) in its lowest position shall not be less than 60 inches.

(ii) Floor space shall consist of 6 feet along the conveyor line for the establishment employee presenting the birds, 4 feet for the inspector, and 4 feet for the establishment helper. A total of at least 42 feet along the conveyor line shall be supplied for three inspection stations.

(iii) Selectors or "kickouts" shall be installed so the three inspection stations will receive birds on 18-inch centers with no intervening birds to impede inspection. The selector must move the bird to the end of the trough for the presenter, inspector, and establishment helper. The selectors must be smooth, steady, and consistent in moving the birds parallel and through the inspection station. Birds shall be selected and released smoothly to avoid splashing the mirror (paragraph (d)(1)(vii) of this section) and swinging when entering the inspection station. Guide bars shall not extend in front of the inspection station mirror to avoid obstructing the inspector's view.

(iv) Each inspector's station shall have an easily and rapidly adjustable platform, with a minimum of 14 inches of vertical adjustment, which covers the entire length of the station (4 feet) and has a minimum width of 2 feet. The platform shall be designed with a 42-inch high rail on the back side and with ½-inch foot bumpers on both sides and front to allow safe working conditions.

(v) Conveyor line stop/start switches shall be located within easy reach of each inspector.

(vi) A trough complying with § 381.53(g)(4) of this Part shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the trimming has been performed. The trough must be of sufficient width to preclude trimmings, drippage, and debris from accumulating on the floor or platforms. The clearance between the suspended carcasses and the trough must be sufficient to preclude contamination of carcasses by splash.

(vii) A distortion-free mirror, at least 3 feet wide and 2 feet high, shall be mounted at each inspection station so that it can be adjusted between 5 and 15 inches behind the shackles, tilt up and down, tilt from side to side, and be raised and lowered. The mirror shall be positioned in relation to the inspection platform so that the inspector can position himself/herself opposite it 8 to 12 inches from the downstream edge. The mirror must be maintained abrasion free.

(viii) A minimum of 200-footcandles of shadow-free lighting with minimum color rendering index value of 85 [1] where the birds are inspected to facilitate inspection, notwithstanding the requirement of § 381.52(b). A light shall also be positioned above and slightly in front of the mirror to facilitate the illumination of the bird and mirror surfaces.

(ix) "One-line" handrinsing facilities with a continuous flow of water shall be provided for and within easy reach of each inspector and each establishment presenter and helper.

(x) Hangback racks shall be provided for and positioned within easy reach of the establishment helpers.

(xi) Each inspection station shall be provided with receptacles for condemned carcasses and parts. Such receptacles shall conform to the requirements of § 381.53(m).

(2) The following provisions shall apply only to the reinspection station:

(i) Floor space shall consist of 6 feet along the conveyor line. The space shall be level and protected from all traffic and overhead obstructions.

(ii) The vertical distance from the bottom of the shackles to the floor shall not be less than 48 inches.

(iii) A table, at least 3 feet wide and 2 feet deep, shall be provided for reinspecting the sample birds.

(iv) A minimum of 200-footcandles of shows free lighting with a minimum color rendering index of 85 [1] on the table surface.

(v) A separate clip board holder shall be provided for holding the recording sheets.

(vi) Handwashing facilities shall be provided for and shall be within easy reach of persons working at the station.

(vii) Hangback racks designed to hold 10 carcasses shall be provided for and positioned within easy reach of the person at the station.

3. Section 381.76 (9 CFR 381.76) is amended by revising the section heading and paragraphs (b) (1) and (2), and by

[1] This requirement may be met by deluxe cool white type of fluorescent lighting.

adding new paragraphs (b)(4) and (c) to read as follows:

§ 381.76 Post-mortem inspection, when required; extent; traditional, modified traditional, and New Line Speed (NELS) post-mortem inspection; rate of inspection.

(b)(1) There are three systems of post-mortem inspection: modified traditional inspection, NELS inspection and traditional inspection, which shall be used in the following circumstances:

(i) Modified traditional inspection shall be used only for young chickens if: [3]

(*a*) The operator requests modified traditional inspection and the Administrator determines that the system will result in no loss of inspection efficiency; or

(*b*) The Administrator determines that modified traditional inspection will increase inspector efficiency.

(ii) NELS shall be used only for broilers and cornish game hens if:

(*a*) The operator requests NELS inspection, and

(*b*) The Administrator determines that the establishment has the intent and capability to operate at line speeds greater than 70 birds per minute, meets all the facility requirements in § 381.36(d), and receives approval of its partial quality control program as specified in paragraph (c) of this section.

(iii) Traditional inspection shall be used when neither modified traditional inspection nor NELS inspection is used.

(2) The requirements of paragraph (a) of this section are applicable to all three inspection systems.

(3) * * *

(4) The following requirements are also applicable to NELS inspection:

(i) Inspection under NELS is conducted in two phases, as post-mortem inspection phase and a reinspection phase.

(*a*) Post-mortem inspection. The establishment shall provide three inspection stations on each eviscerating line in compliance with the facility requirements in § 381.36(d)(1). The three inspectors shall inspect the inside, viscera, and outside of all birds presented. Each inspector shall be presented every third bird on the line. Each inspector shall be flanked by two establishment employees—the presenter and the helper. The presenter shall ensure that the bird is properly eviscerated and presented for inspection with the back side toward the inspector and the viscera uniformly trailing or leading. The inspector shall determine which birds shall be salvaged, reprocessed, condemned, retained for disposition by the veterinarian, or allowed to proceed down the line as a passed bird subject to reinspection. Poultry carcasses with certain defects not requiring condemnation of the entire carcass and specified in the partial quality control agreement as defects the establishment shall remove, shall be passed by the inspector, but shall be subject to reinspection to ensure the physical removal of the specified defects. The helper, under the supervision of the inspector, shall mark such carcasses for trim when the defects are not readily observable. Trimming of birds passed subject to reinspection shall be performed by: (a) The helper, time permitting, and (b) one or more plant trimmers positioned after giblet harvest and prior to reinspection.

(*b*) A reinspection station shall be located at the end of each line. This station shall comply with the facility requirements in § 381.36(d)(2). The inspector shall ensure that establishments have performed the indicated trimming of carcasses passed subject to reinspection by visually monitoring, checking data, and/or gathering samples at the station and at other critical points on the line. Specific reinspection activities shall be based on the establishment's partial quality control system and its performance under that system as determined by the inspector.

(ii) The approved quality control program for the establishment shall include critical control points on the line, which shall be monitored by the inspector. Establishment quality control employees shall operate the poultry carcass on-line quality control program and shall make immediately available to inspection personnel any and all data collected and maintained under the approved partial quality control program.

(iii) An inspector shall monitor the establishment's application of the poultry carcass on-line quality control program and shall take corrective action when he/she determines that the establishment has failed to maintain or correct its process as described in the approved quality control program.

(iv) The maximum inspection rate for NELS shall be 91 birds per minute per eviscerating line.

(c) Applying for and terminating the Partial Quality Control Agreement for the NELS inspection system.

(1) Any owner or operator of an official establishment preparing poultry products who wishes to apply for the NELS system must submit to the Administrator a partial quality control program designed to assure that poultry is wholesome and properly prepared and shall request a determination as to whether or not that program is adequate to result in product being in compliance with the requirements of the Act and, therefore, qualify for the NELS inspection system. Such a request shall, as a minimum, include:

(i) A letter to the Administrator from the establishment owner or operator stating the objective of the program and willingness to adhere to the requirements of the program as approved by the Department; that all data and information generated under the program will be maintained and be available to departmental personnel to enable the Department to monitor compliance; that plant quality control personnel will have authority to halt production or shipping of product in cases where the submitted quality control program requires it and that the owner or operator (or his/her designee) will be available for consultation at any time departmental personnel consider it necessary.

(ii) Identification of establishment quality control personnel. In the case of an establishment having one or more full-time persons whose primary duties are related to the quality control program, agreement that such people shall ultimately report to an establishment official whose quality control responsibilities are independent of or not predominantly production responsibilities. In the case of an establishment which does not have full-time quality control personnel, detailed information indicating the nature of the duties and responsibilities of the person who will be responsible for the quality control program.

(iii) Detailed information concerning the manner in which the program will function. Such information shall include, but not be limited to, the critical check or control points on each eviscerating line from the unloading area to the finished product, the nature and frequency of tests to be made at each check point, the nature of charts and other records that will be maintained by the official establishment, the type of deficiencies the program is designed to identify and control, the defect criteria which will be used and the points at which corrective action will occur and the nature of the corrective action—ranging from the least to the most severe.

(2)(i) The Administrator shall evaluate the submitted partial quality control program in accordance with the provisions of this paragraph. If it is determined by the Administrator that the partial quality control program will

[3] The standards in § 381.170(a) of the regulations (9 CFR 381.170(a)) specify which classes of chickens constitute young chickens.

result in finished products being in full compliance with the requirements of the Act and regulations thereunder, the partial quality control program will be approved and implemented, under departmental supervision, as soon thereafter as practicable.

(ii) In any situation where the program is found by the Administrator to be unacceptable, written notification shall be given to the applicant of the basis for the denial. The applicant will be afforded a reasonable opportunity to modify the program in accordance with the notification. The applicant shall also be afforded a reasonable opportunity to submit a written statement in response to this notification of denial and/or to request a hearing on the denial. If the applicant requests a hearing and the Administrator, after review of the applicant's answer to the notice, finds the initial determination to be correct, the applicant must file with the Hearing Clerk of the Food Safety and Inspection Service the notification, answer, and the request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be conducted in accordance with Rules of Practice which shall be adopted for this proceeding.

(iii) The approved partial quality control program constitutes an operating agreement between the establishment and the Department. The establishment owner or operator shall be responsible for the effective operation of the approved partial quality control program, and for obtaining approval of any changes required in that program, to assure continuing compliance with the requirements of the Act and regulations thereunder. The Secretary shall provide the Federal inspection necessary, as determined by the operating conditions at the establishment, to carry out his responsibilities under the Act.

(3) The approval of the partial quality control program under the NELS inspection system may be terminated at any time by the owner or operator of the official establishment upon written notice to the Administrator. The establishment will be provided inspection under one of the two remaining inspection systems, as appropriate.

(4) The approval of the partial quality control program under the NELS inspection system will terminate upon receipt by the establishment of written notice from the Administrator (or his designee). Such notice will specify the deficiency and will be issued:

(i) If unwholesome or otherwise adulterated poultry products are found by the Administrator to have been prepared for or distributed in commerce by the subject establishment, or

(ii) If the establishment fails to comply with the quality control program to which it has agreed.

(5) The establishment owner or operator receiving notice that approval has terminated may respond to the notice, in writing, to the Administrator within 30 days or receipt of such notice. In those instances where there are issues of fact, a hearing under applicable Rules of Practice will be provided to the establishment owner or operator to resolve the conflict. The Administrator's termination of approval shall remain in effect pending the final determination of the proceeding.

(6) If approval of the partial quality control program under the NELS inspection system has been terminated in accordance with the provisions of this section, an application and request for approval of the same or modified quality control program will not be evaluated by the Administrator for at least 2 months from the termination date. In order for the Department to provide the Federal inspection required under the Act, an establishment whose quality control program has been terminated will be allowed to continue operating under the traditional or modified traditional inspection system, provided all requirements of the Act and regulations thereunder are met.

(Approved by the Office of Management and Budget under OMB No. 0583–008)

Done at Washington, D.C., on October 5, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84–27858 Filed 10–22–84; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–NM–02–AD; Amdt. 39–4933]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires structural inspections and repairs or replacements, as necessary, on certain Boeing Model 737 series airplanes to ensure continued airworthiness. The incidence of fatigue cracks on these airplanes is expected to increase as they approach and exceed the manufacturer's original design life goal. The AD is prompted by a structural reevaluation which has identified certain significant structural components in which cracks, if allowed to grow undetected, would result in a loss of structural integrity.

DATES: Effective November 16, 1984.

The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of November 16, 1984.

ADDRESSES: The service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at the Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM–120S; telephone (206) 431–2926. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring the inspection and repair, as necessary, of the Structural Significant Items (SSI) listed in Boeing Document D6–37089, "Supplemental Structural Inspection Document" (SSID), was published in the **Federal Register** on March 29, 1984 (49 FR 12277). The comment period closed on April 30, 1984.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one person, a foreign operator, commented on the proposed rule.

The commenter questioned the inclusion of structural items in the SSID program which have been addressed by previous service bulletin action and which, in some cases, have terminating action specified by AD. Significant structural items (SSI), with known service problems that have been addressed by service bulletins or AD, are referenced separately in the SSID document and are not considered part of this AD. These service bulletins may be revised in the future to include Flight Safety Addenda which may specify continued inspection requirements. In those cases, the FAA will evaluate these addenda on a case-by-case basis for possible AD action, and, if justified, new

proposals will be made by the usual rulemaking procedures.

This operator also questioned the inclusion of airplane serial number 20336 to the candidate fleet in the AD after publication of the SSID. The initial candidate fleet tabulated in Supplemental Structural Inspection Document D6–37089 was based on airplanes with more than 37,500 flights as of April 30, 1983. It was learned after the publication of the SSID document that serial number 20336 was inadvertently omitted. The serial number was, therefore, included in the proposed rule.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2120–0056.

Approximately 92 airplanes of U.S. registry and 27 U.S. operators are initially affected by this AD. It is estimated that the implementation of the SSID program for a typical operator will take approximately 1000 manhours. It is also estimated that the average labor cost will be $40 per manhour. Based on these figures, the cost to implement the SSID program is estimated to not exceed $1,080,000.

The recurring inspection impact on the affected operators is estimated to be 500 manhours per airplane per year at an average labor cost of $40 per manhour. Based on these figures, the annual recurring cost of this AD is estimated to not exceed $1,840,000.

Based on the above figures, the total cost impact of this AD for the first year is estimated to not exceed $2,920,000 and $1,840,000 for each year thereafter.

For these reasons, this rule is not considered to be a major rule under the criteria to Exective Order 12291, or a significant rule under DOT Regulatory Policies and Procedures. Few, if any, small entities within the meaning of the Regulatory Flexibility Act are affected.

After careful review of the available data, including all of the comments received, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, certificated in all categories, listed in Section 3.0 of Boeing Document No. D6–37089, "Supplemental Structural Inspection Document" (SSID), and aircraft serial number 20336. Compliance is required as indicated in the body of the AD.

To ensure the continuing structural integrity of the Model 737 fleet accomplish the following, unless already accomplished:

A. Within one year after the effective date of this AD, incorporate a revision into the FAA approved maintenance inspection program which provides no less than the required damage tolerance rating (DTR) for each Structural Significant Item (SSI) listed in Boeing Document D6–37089, initial release or later FAA approved revisions. The required DTR value for each SSI is listed in the document. The revision to the maintenance program shall include and be implemented in accordance with the procedures in Sections 5.0 and 6.0 of the SSID.

B. Cracked structure shall be repaired before further flight in accordance with an FAA approved method.

C. Aircraft may be ferried in accordance with FAR 21.197 and 21.199 to a maintenance base for repair.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Operators who have acceptably incorporated Boeing Document No. D6–37089, initial release or later FAA approved revisions, into their approved maintenance program are exempt from the provisions of this AD.

Note.—Acceptable incorporation is considered to include the reporting requirements of Section 6.0 of the SSID.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This AD becomes effective November 16, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington, on October 2, 1984.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 84–26963 Filed 10–22–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–AWA–26]

Airspace Descriptions Alterations in Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action corrects disparities between airspace designations in Part 71 and published aeronautical charts by: (1) Codifying four Part 95 route segments as VOR Federal Airways; (2) establishing four Compulsory Reporting Points; (3) amending the "alternate" descriptions of three Compulsory Reporting Points; and (4) amending the description of one Compulsory Reporting Point so that its location is correctly aligned on the associated VOR Federal Airway.

DATES: Effective date—0902 GMT, October 25, 1984. Comments must be received on or before December 3, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 84–AWA–26, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Airspace and Air Traffic Rules Branch (ATO–230), Airspace–Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves an emergency action to correct airspace description disparities between the regulations and published aeronautical charts, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.127 and § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to: (1) codify as VOR Federal Airways existing Part 95 route segments which for years were depicted on aeronautical charts as segments of VOR Federal Airways V-12, V-15, V-4 and V-9; (2) establish VILET and SEIZE Compulsory Reporting Points (CRP) on newly codified VOR Federal Airway V-12 segment as they were depicted on published aeronautical charts; (3) establish SQUAT CRP on the newly codified VOR Federal Airway V-4 segment as it was depicted on published aeronautical charts; (4) establish CANON CRP on VOR Federal Airway V-15 as it is depicted on published aeronautical charts; (5) amend the "alternate" description of DOGGY, POTEN, and SILLS CRPs so that they more accurately reflect the proper navigation aid that makes up the CRPs; and (6) amend MAKAI CRP so that it is aligned with VOR Federal Airway V-9 for which it exists. Sections 71.127 and 71.215 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6 dated January 3, 1984.

Under the circumstances presented, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days because of the previously described emergency nature of the change.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore-(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

ICAO Considerations

As part of this amendment relates to navigable airspace outside the United States, this action is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state designated by ICAO wherein air traffic services are provided, and also over high seas or in airspace of undetermined sovereignty when a contracting state accepts the responsibility of providing air traffic services in that airspace. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways and compulsory reporting points.

PART 71—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.127 and § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (49 FR 27740, 49 FR 27741, 49 FR 35764 and 49 FR 35766), are further amended, as follows:

§ 71.127 [Amended]

V-12 [Revised]

From INT South Kauai, HI, 246° radial and long. 161°24'00"W.; INT South Kauai 246° and Honolulu, HI, 269° radials; Honolulu; Koko Head, HI, to INT Koko Head 050° and Upolo Point, HI, 354° radials.

V-15 [Amended]

By removing "161°15'00"W.;" and substituting "162°37'12"W.;"

V-4 [Revised]

From INT Koko Head, HI, 254° radial and long. 160°51'42"W. to Koko Head.

V-9 [Revised]

From INT Honolulu, HI, 179° radial and long. 158°00'12"W. to Honolulu.

§ 71.215 [Amended]

DOGGY: [Revised]

lat. 21°55'23"N., long. 161°19'31"W. (South Kauai, HI, 271°, 100 DME).

POTEN: [Revised]

lat. 20°47'03"N., long. 159°28'01"W. (INT Koko Head, HI, 254°, South Kauai, HI, 177° radials).

SILLS: [Revised]

lat. 21°17'49"N., long. 159°31'53"W. (INT Honolulu, HI, 269°, South Kauai, HI, 180° radials).

MAKAI: [Revised]

lat. 21°01'34"N., long. 158°01'36"W. (INT Honolulu, HI, 179°, Molokai, HI, 262° radials.)

VILET: [New]

INT South Kauai, HI, 246° radial and long. 161°24'14"W.

SEIZE: [New]

INT South Kauai, HI, 246° and Honolulu, HI, 269° radials.

SQUAT: [New]

INT Koko Head, HI, 254° radial and long. 160°51'42"W.

CANON: [New]

INT South Kauai, HI, 288° radial and long. 162°37'11"W.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69.)

Issued in Washington, D.C., on October 12, 1984.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 84–27862 Filed 10–22–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–ASO–16]

Alteration of Transition Area; Montgomery, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule..

SUMMARY: This amendment increases the size of the Montgomery, Alabama, transition area to accommodate Instrument Flight Rule (IFR) operations at Autauga County Airport. This action lowers the base of controlled airspace, in the vicinity of the airport, from 1,200 to 700 feet above the surface. An instrument approach procedure, predicated on the Montgomery VORTAC, has been developed to serve the airport and the additional controlled airspace is required for protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 GMT, December 20, 1984.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone; (404) 763–7646.

SUPPLEMENTARY INFORMATION: .

History

On Monday, August 20, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by increasing the size of the Montgomery, Alabama, Transition area to provide additional controlled airspace for aircraft executing a new instrument approach procedure to Autauga County Airport (49 FR 33025). The operating status of the airport is changed from VFR to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6 dated January 3, 1984.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Montgomery, Alabama, transition area to accommodate IFR aeronautical operations in the vicinity of Autauga County Airport.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant prepration of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Montgomery, Alabama, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, as follows:

Montgomery, AL—[Amended]

By adding the following words to the end of the present text: * * *: "within a 7-mile radius of Autauga County Airport (Lat. 32°26'12"N, Long 86°30'36"W.), within 4 miles each side of Montgomery VORTAC 323° radial, extending from the 7-mile radius area to 28 miles northwest of the VORTAC. * * *"

[(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69.)]

Issued in East Point, Georgia, on October 10, 1984.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 84–27860 Filed 10–22–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 632

Job Training Partnership Act; Indian and Native American Employment and Training Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Final Designation Procedures for Grantees.

SUMMARY: This document contains final procedures by which the Department of Labor (DOL) will designate grantees for Indian and Native American Employment and Training Programs under the Job Training Partnership Act (JTPA). The next cycle of such designation actions will cover JTPA Program Years 1985 and 1986 (July 1, 1985, through June 30, 1987). This notice provides necessary information to prospective grant applicants to enable them to submit appropriate requests for designation.

EFFECTIVE DATE: October 23, 1984.

ADDRESSES: Send one original and two copies of advance and final notices of intent to: Chief, Division of Indian and Native American Programs, Room 6102 D Street, NW., Washington, DC 20213, Attention, N/I Desk.

SUPPLEMENTARY INFORMATION: Proposed designation procedures for Indian and Native American Employment and Training Programs under JTPA were published in the **Federal Register** on August 21, 1984 (49 FR 33141) for the purpose of soliciting public comment. Fifteen comment letters were received, all from incumbent grantee organizations or representatives of such organizations.

The letters expressed explicit or implicit strong general support for the concept, principles and procedures published in the **Federal Register**. The comments that were specific in nature either (1) pertained to broad programmatic concerns not confined to the designation process per se or (2)

sought changes that would enhance the commentators self-interest in the designation process, or (3) pertained to designation matters distinctive to Oklahoma Indian and Native American grantees and which are the subject of litigation, i.e., *Muscogee (Creek) Nation v. United States Department of Labor*, No. 84 JTP–12, June 22, 1984, currently under appeal.

Two changes in response to comments have been made to the proposed designation procedures for these final designation procedures. They clarify and reinforce principals or authority already extant in the designation process. The first change is the addition of the phase "and will prevent the undue fragmentation of existing service areas." to the second sentence of general designation principle No. (5) in Part I—*General Designation Principles*. This means discouraging the award of a grant to serve only an area with a concentration of eligible individuals (e.g., a city) within an existing service area to the detriment of the remaining less sparsely populated areas. The second change is to the last sentence of (1) *Designation Letter* in Part IV—*Notification of Designation/Nondesignation* to clarify that the Grant Officer may also make a designation for an area larger than that requested by an applicant, if acceptable to that party. This prerogative of the Grant Officer was inadvertently omitted in the proposed procedures. The sentence now reads "The Grant Officer may make the designation applicable to all of the area requested, a portion of the area requested, or, if acceptable to the designee, more than the area requested."

In addition, Section (2) *Oklahoma Indians* of Part VII—*Special Designation Situations* has been revised to more accurately describe the designation process which the Department has used and will continue to use in Oklahoma.

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Introduction; Scope and Purpose of Notice

Section 401 of the Job Training Partnership Act (JTPA) authorizes programs to serve the job training needs of Indians and Native Americans. Requirements for these programs are set forth in JTPA and in the regulations at 20 CFR Part 632. Pursuant to these requirements, DOL, through published procedures, selects entities for funding under JTPA S 401, designating such entities Native American Grantees, contingent on all other grant award requirements being met. The next cycle of such designation actions will cover JTPA Program Years (PY) 1985 and 1986 (July 1, 1985, through June 30, 1987). This notice describes how DOL plans to make such designation decisions, pursuant to the regulations at 20 CFR Part 632. It provides necessary information to prospective grant applicants to enable them to submit appropriate requests for designation.

Although the PY 1985–PY 1986 designation process will be the second time designations have been made under JTPA, it will be the first time under the current regulations published on October 20, 1983 (48 FR 48754). The process described in this notice is supported directly by the regulations at 20 CFR Part 632. This notice does not involve additional requirements but simply describes, for all eligible organizations' benefit, the procedures which will be followed in making designation decisions.

The amount of JTPA S 401 funds to be awarded to designated Native American Grantees is determined under procedures described at 20 CFR 632.171 and not through this designation process.

The specific organizational eligibility and application requirements for designation are contained at 20 CFR 632.10 and 632.11. Any organization interested in being designated as a Native American Grantee must be aware of and comply with these requirements.

I—General Designation Principles

The following general principles, based on the JTPA and applicable regulations, are intrinsic to the designation process:

(1) All applicants for designation must comply with the requirements found at 20 CFR Part 632 regardless of their apparent standing in the preferential hierarchy. The basic eligibility application and designation requirements are found in Subpart B of those regulations.

(2) The nature of this program is such that Indians and Native Americans in an area are entitled to the program and that they are best served either by a responsible organization directly representing them or by one of their own choosing. JTPA and the governing regulations give clear preference to Native American controlled organizations. That preference is the basis for the steps which will be followed in designating grantees.

(3) A State or federally recognized tribe, band, or group on its reservation is given absolute preference over any other organization so long as it has the capability to administer the program and meets all regulatory requirements. This preference applies only to the area within the reservation boundaries. A reservation organization which may have its service area given to another qualified organization for reasons specified in the regulations will be given an opportunity in the future to reestablish itself as the designated grantee, should it so desire.

In the event that such a tribe, band, or group (including an Alaskan Native entity) is not designated, the DOL will consult with the governing body of such entity as provided at 20 CFR 632.10(e).

(4) In designating Native American grantees for off-reservation areas, the DOL will provide preference to Indian and Native American-controlled organizations as described in 20 CFR 632.10(f) and as further clarified in this notice.

(5) Special employment and training services for Indian and Native American people have been provided through an established service delivery network for the past ten years under the authority of JTPA S 401 and section 302 of the repealed Comprehensive Employment and Training Act (CETA). The DOL intends to exercise its designation authority in a way that will preserve the continuity of such services and will prevent the undue fragmentation of existing service areas. Consistent with existing regulations and other provisions of this notice, this will include exercising preference for those Native American organizations with an existing capability to deliver employment and training services within an established service area. Such preference will be exercised through the recommendations on designation made by the Chief of DOL's Division of Indian and Native American Programs (DINAP) and the Director of DOL's Office of Special Targeted Programs (OSTP) and through the use of the rating system described in this notice. Unless a non-incumbent applicant in the same preferential hierarchy as an incumbent grantee can demonstrate that it is significantly superior overall to the incumbent, the incumbent will be designated if it otherwise meets all of the requirements for redesignation.

II—Advance Notice of Intent

By October 19 of the year preceding a designation year, all organizations interested in being designated as a section 401 grantee should submit an original and two copies of a Standard Form (SF) 424. An organization may submit only *one* SF 424 for any and all areas for which it wants to be considered. A listing of areas to be served must be attached to the SF 424 (Block 21. *Remarks Added.)* A sample listng is shown below and should be closely followed so that DOL will know exactly what areas are to be served. Counties and reservations must be listed separately, by State, in alphabetical order. If a county appears on the list, the DOL will presume the applicant wants to serve the entire non-reservation part of the county, unless a short statement follows the county, such as ARLINGTON COUNTY (minus the Rosslyn area). Also, if the entire Native American population of the county is not to be served, an explanation such as the following should be stated: ARLINGTON COUNTY (minus the members of the Potomac Tribe), or ARLINGTON COUNTY (only the members of the Potomac Tribe).

If the applicant believes any additional information should be provided to avoid confusion, it should do so. For example, if it has served a county for many years, but has not served a city within that county and now wants to serve the city, it should make that point very clear.

If the applicant is not currently a section 401 grantee, it should provide a description of its legal status vis-a-vis the requirements for designation provided at 20 CFR 632.10.

This first step in the designation process will be used to determine which areas have more than one potential applicant for designation. For those areas for which more than one organization submits a SF 424, each such organization will be notified of the situation and will be apprised of the identity of the other organization(s) applying for that area. At this time, it is planned that such notification will consist of providing affected applicants with copies of all SF 424s, submitted for their areas. The notification will occur on or about November 15. The announcement will state that organizations are encouraged to work out any jurisdictional disputes among themselves and submit a revised SF 424 for the required postmarked January 1 Notice of Intent deadline or withdraw their advance notice. For areas other than reservations, it is DOL policy that, to the extent possible, service areas and the organizations operating in those areas be determined by the community to be served by the program. In the event the Native American community cannot resolve differences, the November 15 notification will inform parties that they should take special care with their final Notices of Intent to ensure they are complete and fully responsive to all matters covered by the preferential hierarchy and rating systems discussed in this notice. Following is a sample listing of the attachment to the SF 424 which should be used for both the Advance Notice and the Final Notice of Intent:

* * * * *

(Sample Hypothetical Attachment to SF 424 (Block 21) Showing Geographic Areas Requested)

United American Indian Consortium, 1111 North Main St., Tucson, Arizona 55545, Phone: 703–123–4567, Contact Person: John Littlebull.

This constitutes the sole official listing of areas requested to be served by this applicant during PY 1985–1986 in its JTPA program.

PY 1985–1986 Listing

Arizona Counties

Ajax
Beaumont (only members of Aztec Tribe)
Clairmont
Douglas
Zimmer (all Indians except members of Tolmoc Tribe)

Arizona Reservations

Blue Lake
Green Hill
Black Mountain

New Mexico Counties

Arlington
Denfield (Except City of Brimson)
Edgar
Foobey
Yolo (Except Town of Coko)

New Mexico Reservations

Gargola
Hamico
Managua

The Following Counties are Requested now but Were not Served by This Grantee in Program Year 1984

Arizona Counties

Beaumont
Douglas

Arizona Reservations

Blue Lake

This List for PY 1985–1986 Deletes the Following Areas Which Were Served in PY 1984

Arizona Counties

Arcadia
Monroe

* * * * *

III—Notice of Intent

Postmarked by January 1, as required by the regulations, all applicants will submit an original and two copies of final Notice of Intent consistent with the requirements at 20 CFR 632.11. Although organizations are encouraged to alter their area requests to minimize or avoid overlap with other organizations, they should not add territory to that identified in the October 19 advance notice. Unless currently designated for such area, any organization (other than a consortium) applying on January 1 for noncontiguous areas *must* prepare a separate, complete, Notice of Intent for each such area. In addition, it is the DOL's policy that no information affecting the panel review process (see Part V of this notice) will be accepted past the regulatory postmarked deadline of January 1, nor will DOL provide assistance, at any time, concerning any item involved in the panel review process. All information provided before the deadline must be in writing.

IV—Preferential Hierarchy for Determining Designations

In cases when only one organization is applying for a clearly identified geographic area and the organization meets the requirements at 20 CFR 632.10(b), the DOL shall designate the applying organization as the grantee for the area. In cases when two or more organizations apply for the same or an overlapping area, the DOL will utilize the following order of preference in determining the designee for the geographic area in question. The organization which falls into the highest category of preference will be designated, assuming all other regulatory and procurement requirements are met. In some cases population groups such as tribal membership may be identified as well as counties and reservations. The preferential hierarchy is:

(1) Indian tribes, bands, or groups on Federal or State reservations for their reservation; Oklahoma Indians (see VII. *Special Designation Situations,* below); and, Alaskan Native entities (see VII. *Special Designation Situations,* below).

(2) Native American-controlled, community-based organizations (with significant local Native American community support) for their existing DOL designated service area—unless a non-incumbent applicant qualified for this hierarchical group can demonstrate in its application, by verifiable information, that it is significantly superior overall to the incumbent grantees.

(3) Native American-controlled, community-based organizations new to the requested area but able to demonstrate the capability to achieve significant local Native American community support through verifiable information provided in the application.

(4) Organizations (private nonprofit or units of State or local government) having a significant Native American advisory process, such as a governing body chaired by a Native American and having a majority membership of Native Americans.

(5) Non-Native American-controlled organizations without an Indian advisory process. In the event such an organization is designated, it must subsequently develop an advisory process.

The Chief, DINAP, will advise the Grant Officer as to which position or organization holds in the hierarchy. The Chief, DINAP, may employ personal knowledge, reference checks or onsite reviews to make the determination. It is incumbent on the applying organization to supply sufficient information upon which the determination can be made. Organizations are encouraged to indicate the category into which they believe they fall and must adequately support that assertion. As indicated earlier, applicants will not be able to provide any information past the January 1 postmark deadline and no information will be solicited by DINAP.

V—Use of Panel Review Procedure

In the event the Chief, DINAP, determines that two or more organizations have equal status in the hierarchy, the Grant Officer may convene a review panel of Federal officials to score the information submitted with the Notice of Intent. The purpose for the panel is to evaluate an organization's capability, based on its application, to serve the area in question. The panel will be provided *only* the information described at 20 CFR 632.11 and submitted with the January Notice of Intent. The panel results will be advisory to the Grant Officer, not binding. In reviewing information submitted by the organization, the panel will not accept simple assertions. Any information must be supported by documentation and references, if possible. The following factors will be considered:

(1) *Operational Capability*—50 points.

(20 CFR 632.10 & 632.11)

(i) Previous experience in successfully operating an employment and training program serving Indians or Native Americans of a scope comparable to that which the organization would operate if designated—30 points.

(ii) Previous experience in operating other human resource development programs serving Indians or Native Americans or coordinating employment and training services with such programs—10 points.

(iii) Ability to maintain continuity of services to Indian or Native American participants with those previously provided under JTPA—10 points.

(2) *Planning Process*—30 points.

(20 CFR 632.11)

(i) Private sector involvement—10 points.

(ii) Community support—20 points.

(3) *Administrative Capability*—20 points.

(20 CFR 632.11)

(i) Previous experience in administering public funds under DOL or similar administrative requirements—15 points.

(ii) Experience of senior management staff to be responsible for DOL grant, if designated—5 points.

VI—Notification of Designation/ Nondesignation

The Grant Officer will make the final designation decision based on the review panel's recommendation, in those instances where a panel is convened; DINAP, OSTP, Office of Program and Fiscal Integrity, and Office of the Inspector General recommendations; and other available information regarding the organization's responsibility. The Grant Officer's decision will be provided to all applicants by March 1, as follows:

(1) *Designation Letter.* The designation letter signed by the Grant Officer will serve as official notice of an organization's designation. The letter will include the service area for which the designation is made. It should be noted that the Grant Officer is not required to adhere to the geographic area requested in the SF 424. The Grant Officer may make the designation applicable to all of the area requested, a portion of the area requested, or, if acceptable to the designee, more than the area requested.

(2) *Conditional Designation Letter.* Conditional designations will include the nature of the conditions and the actions required to be finally designated.

(3) *Non-designation Letter.* Any organization not designated, in whole or in part, for an area requested will be notified formally of the nondesignation and given the basic reasons for the determination.

An applicant for designation which is refused such designation, in whole or in part, may file a Petition for Reconsidertion in accordance with 20 CFR 632.13. If an area is not designated for service through the foregoing process, alternative arrangements for service will be made in accordance with 20 CFR 632.12.

VII—Special Designation Situations

(1) Alaskan Native Entities

DOL has established service areas for Alaskan Native employment and training programs based on: the boundaries of the regions defined in the Alaska Native Claims Settlement Act (ANCSA); the boundaries of major subregional areas where the primary provider of human resource development and related services is an Indian Reorganization Act (IRA) recognized tribal council; and the boundaries of the one Federal reservation in the State. Within these established service areas, DOL has designated the primary Alaskan Native-controlled human resource development services provider or an entity formally designated by such provider. These entities have been regional nonprofit corporations, associated corporations established by the regional nonprofit corporation, IRA-recognized tribal councils, and the tribal government of the Metlakata Indian Community. DOL intends to follow these principles in designating Native American grantees in Alaska for Program Years 1985 and 1986.

(2) Oklahoma Indians

DOL has established a service delivery system for Indian employment and training programs in Oklahoma based on a preference for Oklahoma Indians to serve portions of the State. Generally, service areas have been designated geographically as countywide areas. Where a significant portion of the land area of an individual county lies within the traditional jurisdiction of more than one tribal government, the service area to a certain extent has been subdivided on the basis of tribal identification information in the most recent Federal Census of Population. However, where members of many different tribes reside in a given county, no attempt has been made to apportion those members among all of the respective tribes. Wherever possible, arrangements mutually satisfactory to grantees in adjoining or overlapping service areas have been honored by DOL. The DOL intends to follow these principles in designating Native American grantees in Oklahoma for

Program Years 1985 and 1986. Also, as applicable to all other Section 401 designation situations, a competitor for an incumbent's designated area would have to demonstrate its significant superiority overall to the incumbent, and the Department will exercise its designation authority in a way that will preserve the continuity of services and will prevent the undue fragmentation of existing service areas.

VIII—Designation Process Glossary

In order to ensure that all interested parties share a like understanding of the process, the following are definitions for important terms.

(1) Indian or Native American-Controlled Organization

Any organization with a governing board, more than 50 percent of whose members are Indian or Native American people. Such an organization can be a tribal government, native Alaskan or native Hawaiian entity, consortium, private nonprofit corporation, or State agency as long as decisions regarding the program rest with such a governing board.

(2) Service Area

The geographic area described as States, counties, and/or reservations for which a designation is made. In some cases, it will also show the specific population to be served. The service area is defined finally by the Grant Officer in the formal designation letter. Grantees must insure equitable access of services within the service area.

(3) Established Service Area

The area defined by geography or service population which DOL has previously designated as a service area for Indian and Native American CETA or JTPA purposes.

(4) Community Support

Evidence of active participation and/or endorsement from Indian or Native American-controlled organizations within the geographic area for which designation is requested. All such evidence must be verifiable by independent DOL review, including an onsite review.

Signed at Washington, D.C., this 18th day of October 1984.

Paul A. Mayrand,

Director, Office of Special Targeted Programs.

Robert D. Parker,

Grant Officer, Acquisition and Assistance.

[FR Doc. 84-27925 Filed 10-22-84; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-188; Re: Notice Nos. 416 and 438]

Establishment of the Temecula Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a single viticultural area in Riverside County, California known as "Temecula." The proposals to establish two other viticultural areas in Riverside County, California to be known as "Murrieta" and "Rancho California" are not being adopted. This action is based on petitions submitted by the Rancho California/Temecula Winegrowers Association and Callaway Vineyard and Winery, Temecula, California, and is based on careful consideration of voluminous public comments and a public hearing. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: November 23, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

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

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

ATF received petitions from the Rancho California/Temecula Winegrowers Association ("the Association") and Callaway Vineyard and Winery, Temecula, California, ("Callaway Winery"). The Callaway Winery petition was forwarded to ATF after the Association's petition and did not agree with many of the statements made in the Association's petition. In response to the two conflicting petitions, ATF published a notice of proposed rulemaking, Notice No. 416, in the **Federal Register** on July 27, 1982 (47 FR 32450), proposing the establishment of the "Temecula," "Murrieta," and "Rancho California" viticultural areas.

In this rulemaking, ATF considered all public comments received before, during, and after the first public comment period, which ended on September 10, 1982.

On January 20, 1983, ATF held a public hearing on this rulemaking in Temecula, California. (Notice No. 438, published in the **Federal Register** on December 10, 1982 at 47 FR 55498). In preparing this final rule, ATF carefully considered the statements made and exhibits presented by the 31 witnesses at the hearing. During the hearing, ATF reopened this rulemaking for additional public comments.

Name

Historical evidence. The name "Temecula" is derived from the Luiseno Indian word "Temeku," a place name used by the local Indians. This word may be roughly translated as "place where the sun breaks through the white mist." According to the Callaway Winery petition, "It is reasonable to assume that the name the Indians applied to their land referred not to the village alone but also the surrounding area which is characterized by bright sun and misty marine air which flows into the area. * * *" Thus, the name "Temecula" applies, historically, to the entire approved area.

An excavation conducted in 1951 by the Archaeological Survey Association of Southern California determined that the area has been continuously occupied for about 900 years. (*Temeku, A Page from the History of the Luiseno Indians*, B.E. McCown, Archaeological Survey Association of Southern California Paper No. 3, p. 20 (1955)). The southern end of the area occupied by these Luiseno Indians was divided into land grants by Governor Micheltoreno of

Mexico, as follows: Rancho Temecula (in 1844), Rancho Pauba (in 1844), Rancho Little Temecula (in 1885), and Rancho Santa Rosa (in 1846). In general, the outer boundaries of these four land grants, make up the outer boundary of the approved viticultural area. There is historical evidence that the name "Temecula" no longer applies to the northern half of the Temecula Land Grant (Rancho Temecula), after the establishment of the town of Murrieta in 1884.

According to Tom Hudson, author of *A Thousand Years in Temecula Valley* (Temecula Valley Chamber of Commerce, 1981), "The name 'Temecula' implies something more than just one village, or just one valley for that matter. Its connotation is wider than that. In fact, many of the first settlers referred to the entire surrounding countryside as 'The Temecula.' " (p.169). The Indian name "Estengvo Temecula" (literally, "Temecula Hot Springs") applied to Murrieta Hot Springs which was renamed in 1884 when the town of Murrieta was developed. These hot springs were used by the Indians for washing and bathing. (p. 78). The name "Laguna de Temecula" or "Laguna Grande" (literally, "Temecula Lake" or "Large Lake") was used by the early Spaniards to refer to Lake Elsinore, which was renamed in 1883 when the town of Elsinore was developed. (p. 8). "For a few years after that, homesites were advertised for sale 'at the north end of Temecula Valley.' Then with the change of the lake's name from 'Laguna Grande' to 'Lake Elsinore,' the entire land grant [Rancho La Laguna, north of the Santa Rosa and Temecula Land Grants] became known as Elsinore Valley and eventually as Lake Elsinore Valley. Temecula Valley had thus been reduced somewhat in size." (p. 77–78). A similar reduction in the extent of the name "Temecula" occurred in 1884 when, south of the town of Elsinore, the town of Murrieta was developed in the northern half of the Temecula Land Grant.

Current evidence. The approved viticultural area is within a larger tract of land which made up the Vail Ranch from 1904 until it was sold in 1964. The public comment file contains a letter from James Vail Wilkinson, dated August 18, 1982. Mr. Wilkinson believes that "Temecula" would be the proper name for an area which is based on the old Vail Ranch properties. The village of Temecula is at the geographic center of the old Vail Ranch, and the business headquarters of the ranch was located near the village. Thus, until 1964, the name "Temecula" applied equally throughout the approved area.

The entire approved area is within the Elsinore Union High School District and will be served by a new high school which is in the planning stages. On January 13, 1983, the Elsinore Union High School District Board of Trustees reported, at its regular meeting, that the preferred name for the new high school, in a poll conducted with the assistance of the local news media, was "Temecula Valley High School." (Minutes of the Meetings of the Board of Trustees, January 13, 1983, p. 89). ATF believes that the existence of one high school district, unifying all of the approved area under the name "Temecula Valley High School," is more substantial evidence of the current usage of the name "Temecula," than the existence of two elementary school districts named "Temecula Union" and "Murrieta," both of which will be served by the new high school.

Evidence of postal delivery boundaries is inconclusive since only part of the area receives home postal delivery. However, the public comment file contains a letter, dated April 19, 1983, from Ms. Shirley Collins, Acting Postmaster of Temecula, stating that home delivery, throughout the approved area, will originate from the Temecula Post Office in the future. ATF recognizes, however, that service areas established by the U.S. Postal Service are based exclusively on the efficient handling of the mail, and may not always be appropriate for determining the boundaries of local place names.

Evidence submitted by McMillan Farm Management Company illustrates that the name "Temecula" has been used in marketing grapes grown throughout the approved area since 1977. Cilurzo Winery has used the Temecula appellation of origin on wines made from grapes grown on the Santa Rosa Plateau since 1979. These dates are close to the beginning of commercial viticulture in the area. Thus, the marketing of grapes has established application of the name "Temecula" to grapes grown throughout the approved area within the wine industry.

Other opinions. The first page of the Callaway Winery petition contains the following statement, "We see it [the Association's petition] as an attempt to ride the coattails of the name which has become a valuable, meaningful appellation for wine consumers." In disputing the Association's claim that their petition represents all of the winegrowers in the area, Callaway Winery asserts that the Association's petition, "* * * omitted to mention that the winery which has played a major role in creating local and national recognition for the 'Temecula' appellation, and which has produced an estimated 80% of all the wines which have been sold under that appellation,[1] is not a part of the group and does not support its petition." Footnote 1 reads as follows, "Callaway Vineyard and Winery has sold approximately 210,000 cases under the Temecula appellation since its first releases in 1975. We estimate that all other wineries combined have sold approximately 50,000 cases under that appellation, at all times up to the present."

The Callaway Winery petition also claims that public attention to the area "* * * resulted from the investment and efforts of Callaway Vineyard and Winery. Callaway was not the first to plant grapes in Temecula, but the winery was the first to be built there, and it was, and is, the largest: Callaway has produced about 80% of all the wines ever labeled with a Temecula appellation."

ATF rejects the implication that the "Temecula," as an appellation of origin, is the exclusive property of Callaway Winery. The evidence shows that this appellation of origin has been used by other wineries and, moreover, the evidence presented supports establishing the Temecula viticultural area as an appellation of origin for an area larger than that proposed by Callaway Winery.

Summary. Based on both historical and current evidence, ATF believes that the name "Temecula" applies throughout the entire approved viticultural area. However, ATF believes that the town of Murrieta is no longer known by the name "Temecula" and should be excluded from the approved area.

Geographical Features Which Affect Viticultural Features

General. ATF believes that the climate is the unifying geographical feature affecting viticulture in the Temecula area, and that other geographical features are much less important. According to viticultural experts, Temecula is located at a latitude which is too tropical for grape-growing and the existence of a climate anomaly is the only reason that grape-growing is possible at this latitude. In *General Viticulture* by A.J. Winkler, *et al.*, the first sentence in the chapter on climate states, "Grapes are native to the warm temperate zone and their culture is most successful between 34° and 49° north and south latitude."[Temecula is located at 33° 30° North latitude.] The

authors also note that grapes can be successfully grown in anomalous microclimates outside these latitudes. They cite examples such as the Rhine Valley in Germany, where grapes are grown at 50° and 51° North latitude at low altitude with southern and western exposures, and Bolivia, where grapes are grown at 16° South latitude at altitudes above 9,000 feet. They also observe, "It is common knowledge that different localities at the same latitude and altitude differ greatly in climates. Local variations are very important, * * * because they affect greatly the choice of varieties, the training and pruning, the cultural practices, and the quality of the product."

Marine breezes. The climate anomaly in Temecula is marine breezes which cool the area to average temperatures at which grape-growing is possible. The cooling marine breezes enter the area through Deluz Gap and Rainbow Gap and, also by settling along the eastern slopes of the Santa Ana Mountains. The approved area ranges from approximately 15 miles to 30 miles, on a straight line, inland from the ocean. Along the San Mateo-Los Alamos Canyon and the Temecula Canyon, the principal avenues of the marine breezes, the western extremities of the approved area are approximately 19 miles and 22 miles, respectively, from the ocean. Marine breezes are an anomaly at this distance inland from the ocean, and without them, the climatic conditions at this latitude would normally be too tropical for grape-growing. The marine breezes affect the San Rosa Plateau and the Temecula Basin east of it, to a point, near the Oak Mountain Barrier, where the marine breezes begin to dissipate. Although ATF recognizes the opposing argument that different wind patterns affect the Santa Rosa Plateau and the Temecula Basin, the net result of the marine breezes is the same in both places, cooler microclimate than the surrounding area.

Heat summation. The following thermograph data, while showing wide diversity within the approved area, also shows that the approved area is significantly cooler than the surrounding area.

Thermograph locations	Heat [1] summation	Region
Within Approved Area		
Intersection of Rancho California Road and Anza Road.	3,694	IV
DePortola Road, 1 mile northeast of the intersection with Monte De Oro Road.	3,426	III
Murrieta Ridge, north of Teneja Road.	2,783	II
Average of 6 weather stations northeast of town of Temecula.	3,598	IV
Santa Rosa Springs	2,665	II
Unspecified location on Santa Rosa Plateau.	3,106	III
Outside Approved Area		
Elsinore	4,354	V
Perris	4,056	V
Sun City	4,317	V

[1] Units of measure are degree-days above 50 °F. from April 1 through October 31, annually.

Since great diversity is evident throughout the approved area, the more compelling conclusion from this data is that the approved area is significantly cooler than the surrounding area. According to *General Viticulture* by A.J. Winkler, *et al.*, the varieties of grapes grown in the approved area would not be recommended in the immediately surrounding area.

Soils. The evidence shows that the soils east of the town of Temecula are of a granitic type unique in California. However, a public comment from Dr. Enrique Ferro states that comparative analyses of soil samples collected both east and west of the town indicates that they have similar chemical and mechanical properties. Moreover, ATF believes that soil diversity is not as significant as the unifying affect of the marine breeze anomaly discussed above.

Harvest dates. One opposing opinion states that microclimates differ significantly east and west of the town because of differing harvest dates and differing sugar and acid levels in grapes measured at the same time. However, ATF believes that these differences are caused by differing viticultural practices utilized by vineyard managers in the area. Viticultural practices which are oriented toward delayed harvest dates include thin pruning and thin clustering, both during dormancy and during the growing season, and reduced irrigation during the end of the growing season. These practices cause the grapes to mature more slowly and, thereby, directly affect the harvest dates and the sugar and acid levels comparing, on the same date, grapevines managed by different vineyard managers in the area. These viticultural practices are thoroughly discussed and compared in documents contained in the public comment file. Therefore, ATF believes that differing harvest dates, and differing sugar and acid levels in grapes measured at the same time, are not related to geographical features.

Summary. ATF believes that all of the Temecula viticultural area as approved in southwestern Riverside, County, California, possesses one unifying geographical feature affecting viticulture: Marine breezes which produce a cooler microclimate than the surrounding area.

Boundary Modifications

Based on evidence contained in written comments and presented at the public hearing, ATF is modifying the southeastern boundary to include an additional area within the same climatic region. The proposed boundary followed land grant boundaries and section lines which are artificial, man-made features. The revised boundary follows the 1500-foot contour line. This change was requested by Robert Schaefer and Joan Chubb on behalf of themselves and Richard Allen, all landowners and grape-growers or prospective grape-growers in the area. During the public hearing, proponents of both of the opposing parties expressed support for this modification. ATF believes that the marine breezes in the valley cross the proposed boundary and extend to the 1500-foot contour line. Examination of the Pechanga map indicates that the terrain becomes very steep at elevations above 1500 feet in this area. ATF believes that the marine breezes are dissipated by the terrain above 1500 feet elevation and, therefore, the 1500-foot contour line is established as the boundary in the southeastern part of the approved area.

ATF believes that the name "Temecula" does not apply to the town of Murrieta, as previously discussed. Moreover, the urban residential land use in the town is geographically different from the surrounding area. Therefore, the boundary has been modified to exclude most of the town of Murrieta by following, in part, a boundary endorsed by 13 public commenters in the Callaway Winery "Compromise Agreement." This part of the boundary follows Tucalota Creek and Santa Gertrudis Creek to Murrieta Creek. The remainder of the boundary, excluding the town of Murrieta, follows part of the boundary proposed by ATF as an alternative boundary for Murrieta. This part of the boundary follows Murrieta Creek to the town of Wildomar and proceeds in a straight line to the easternmost point of the Cleveland National Forest boundary.

The boundary description has been clarified in the area of the Little Temecula Land Grant. The southern end of the Little Temecula Land Grant includes a part of the Pechanga Indian Reservation which, until 1907, was Lot "E" of the Little Temecula Land Grant. The southern boundary of the Little

Temecula Land Grant coincides with the southern boundary of this portion of the Pechanga Indian Reservation. The proposed regulation described the actual feature shown on the U.S.G.S. map (the Indian reservation boundary) in a place where it coincided with another feature (the land grant boundary). Paragraphs (c)(6) and (c)(7) of § 9.50 now clearly state that this portion of the Pechanga Indian Reservation is part of the Little Temecula Land Grant.

Miscellaneous

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

Regulatory Flexibility Act

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

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

Compliance With E.O. 12291

In compliance with Executive Order 12291 the Bureau has determined that this final rule in not a major rule since it will not result in:

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

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

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

Paperwork Reduction Act

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

List of Subjects in 27 CFR Part 9

Administrative Practice and Procedure, Consumer Protection, Viticultural Areas, Wine.

Drafting Information

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

Authority

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended by adding the heading of § 9.50 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.50 Temecula.

Par. 2. Subpart C is amended by adding § 9.50 to read as follows:

§ 9.50 Temecula.

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

(b) *Approved map.* The approved maps for determining the boundary of the Temecula viticultural area are seven U.S.G.S. guadrangle maps in the 7.5 minute series, as follows:

(1) Wildomar, California, dated 1953, photorevised 1973;

(2) Fallbrook, California, dated 1968;

(3) Murrieta, California, dated 1953, photorevised 1979;

(4) Temecula, California, dated 1968, photorevised 1975;

(5) Pechanga, California, dated 1968;

(6) Sage, California, dated 1954;

(7) Bachelor Mountain, California, dated 1953, photorevised 1973.

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

(1) The beginning point is the northernmost point of the Santa Rosa Land Grant where the Santa Rosa Land Grant boundary intersects the easternmost point of the Cleveland National Forest boundary.

(2) The boundary follows the Cleveland National Forest boundary southwesterly to the point where it converges with the Riverside County-San Diego County line.

(3) The boundary follows the Riverside County-San Diego County line southwesterly, then southeasterly to the point where the Riverside County-San Diego County line diverges southward and the Santa Rosa Land Grant boundary continues southeasterly.

(4) The boundary follows the Santa Rosa Land Grant boundary southeasterly, then northeasterly, to its intersection with the Temecula Land Grant boundary.

(5) The boundary follows the Temecula Land Grant boundary southeasterly, then northeasterly, to intersection with the Little Land Grant boundary.

(6) The boundary follows the Little Temecula Land Grant boundary southeasterly to its intersection with the boundary of that portion of the Pechanga Indian Reservation which, until 1907, was Lot "E" of the Little Temecula Land Grant.

(7) The boundary follows the Pechanga Indian Reservation boundary southeasterly, then northeasterly (including that portion of the Penchanga Indian Reservation in the approved viticultural area) to the point at which it rejoins the Little Temecula Land Grant boundary.

(8) The boundary follows the Little Temecular Land Grant boundary northeasterly to its intersection with the Pauba Land Grant boundary.

(9) The boundary follows the Pauba Land Grant boundary southeasterly, then northeasterly, to the north-south section line dividing Section 23 from Section 24 in Township 8 South, Range 2 West.

(10) The boundary follows this section line south to the 1500-foot contour line.

(11) The boundary follows the 1500-foot contour line easterly to the range line dividing Range 2 West from Range 1 West.

(12) The boundary follows this range line north, across California State Highway 71/79, to the 1400-foot contour line of Oak Mountain.

(13) The boundary follows the 1400-foot contour line around Oak Mountain to its intersection with the 117°00′ West longitude meridian.

(14) The boundary follows the the 117°00′ West longitude meridian north to its intersection with the Pauba Land Grant boundary.

(15) The boundary follows the Pauba Land Grant boundary westerly, then northeasterly, then west, then south, then west, to Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

(16) The boundary follows Warren Road north to an unnamed east-west, light-duty, hard or improved surface road (which coincides with the section line dividing Section 12 from Section 13 in Township 7 South, Range 2 West).

(17) The boundary follows this road west to the north-south section line dividing Section 13 from Section 14 in Township 7 South, Range 2 West.

(18) The boundary follows this section line south to its intersection with Buck Road (which coincides with the east-west section line on the southern edge of Section 14 in Township 7 South, Range 2 West).

(19) The boundary follows Buck Road west to the point where it diverges northwesterly from the section line on the southern edge of Section 14 in Township 7 South, Range 2 West.

(20) The boundary follows this section line west, along the southern edges of Sections 14, 15, 16, 17, and 18 in Township 7 South, Range 2 West, to Tucalota Creek.

(21) The boundary follows Tucalota Creek southerly to Santa Gertrudis Creek.

(22) The boundary follows Santa Gertrudis Creek southwesterly to Murrieta Creek.

(23) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to Orange Street in Wildomar, California.

(24) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

Signed: September 4, 1984.

W.T. Drake,

Acting Director.

Approved: October 5, 1984.

Edward T. Stevenson,

Deputy Assistant Secretary, (Operations).

[FR Doc. 84-27838 Filed 10-22-84; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Parts 19 and 240

[T.D. ATF-186]

Use of Spirits in the Production of Wine and Wine Products To Be Rendered Unfit for Beverage Use

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

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule amends ATF regulations to implement the provisions of section 455 of Pub. L. 98-369. This new law, entitled the Deficit Reduction Act of 1984, was signed by President Reagan on July 18, 1984, and allows, in part, the use of distilled spirits other than wine spirits in the production in the United States of nonbeverage wine and similar nonbeverage wine products.

The Bureau is presently engaged in the review and redrafting of the wine regulations prescribed in Title 27, Code of Federal Regulations, Parts 170, 231 and 240. When ATF has completed the drafting of revised regulations, a notice of proposed rulemaking will be issued to solicit public comment on proposed revisions of the regulations pertaining to wine, including the regulations contained in this final rule.

EFFECTIVE DATE: The provisions of section 455 of Pub. L. 98-369 became effective on July 18, 1984. The provisions of this Treasury decision become effective on October 23, 1984.

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

SUPPLEMENTARY INFORMATION:

Legislative Background

With the enactment of Pub. L. 98-369 (98 Stat. 494), the excise tax rate for distilled spirits is to be increased, effective October 1, 1985, from $10.50 per proof gallon to $12.50 per proof gallon. The liability for the distilled spirits tax applies to both domestic and imported distilled spirits. The tax is determined upon removal of the distilled spirits from a distilled spirits plant or from customs custody. However, distilled spirits may be removed, without payment of tax, pursuant to the provisions of section 5214 of the Internal Revenue Code of 1954, as amended.

Prior to passage of Pub. L. 98-369, only paragraph (5) of section 5214(a) permitted the withdrawal without payment of tax of distilled spirits for use in wine production, as authorized by section 5373. The language in section 5373 restricts the distilled spirits used in wine production to wine spirits having a minimum proof of 140 degrees or commercial brandy aged in wood for not less than two years and barreled at not less than 100 degrees of proof. Such removals of wine spirits and brandy from bonded distilled spirits plant premises to a bonded wine cellar were and are presently allowed only when the spirits are to be used in the production of wine and wine products (including nonbeverage wines).

Prior to enactment of this new law, a manufacturer who elected to use spirits other than wine spirits in the production of nonbeverage wines had to pay the Federal excise tax at the distilled spirits rate and, following manufacture, file claim for drawback of all but one dollar of the tax paid on each proof gallon of spirits so used. Accordingly, domestic manufacturers who wished to use spirits other than wine spirits in the production of nonbeverage wine products had to pay $1.00 for each proof gallon of spirits used. The Internal Revenue Code, however, imposed no restrictions on the importation of foreign-produced nonbeverage wines and similar nonbeverage wine products to which spirits other than wine spirits had been added. Since foreign producers were not subject to the $1.00 of drawback per proof gallon, such imported products have been priced relatively lower than comparable domestic products. Section 455 of Pub. L. 98-369 provides parity between domestic producers and importers of foreign-manufactured nonbeverage wines and nonbeverage wine products.

Pub. L. 98-369 amends section 5214(a) to provide language in a new paragraph (13) specifically authorizing the addition of spirits other than (but not excluding) wine spirits and brandy to wine which is to be used in the production in the United States of wines and wine products which are to be rendered unfit for beverage use. While this new language liberalizes the provisions of law pertaining to the use of spirits in wine production, the restrictions against the use of nonbeverage wines and nonbeverage wine products in the compounding of any distilled spirit or wine for beverage use or in the manufacture of any product intended to be used in such compounding remain in effect.

Regulatory Flexibility Act

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

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

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. 3504(h), and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no new requirement to collect information is imposed. The recordkeeping and report filing requirements prescribed in Title 27, Code of Federal Regulations, Part 170, Subpart Z, remain in effect and have not been altered.

Drafting Information

The principal author of this document is Michael J. Breen of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Effective Date

The provisions of section 455 of Pub. L. 98–369 became effective on July 18, 1984. The effective date of this Treasury decision is October 23, 1984, the date of publication in the **Federal Register.** Because manufacturers of wines and wine products rendered unfit for beverage use need immediate guidance to utilize the liberalizing provisions of Pub. L. 98–369, ATF finds that it is impracticable and contrary to the public interest, within the meaning of 5 U.S.C. 553(b), to issue a notice of proposed rulemaking prior to the issuance of this final rule. For this reason it is found that these regulations are exempt from compliance with the 30-day effective date limitation of 5 U.S.C. 553(d). Accordingly, the provisions of this final rule become effective upon its publication in the **Federal Register.**

List of Subjects

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research and security measures, Spices and flavorings, Surety bonds, Transportation, U.S. possessions, Warehouses, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine and vinegar.

Authority

These regulations are issued under the authority contained in section 455, Pub. L. 98–369, 72 Stat. 1362, as amended, 1382, as amended 26 U.S.C. 5214, section 201, Pub. L. 85–859, 72 Stat. 1362, as amended, 1382, as amended 26 U.S.C. 5214, and 26 U.S.C. 7805 (68A Stat. 917, as amended). Accordingly, Title 27, Code of Federal Regulations, Parts 19 and 240 are amended, in part, to read as follows:

PART 19—DISTILLED SPIRITS PLANTS

Paragraph 1. The table of sections in Title 27, Code of Federal Regulations, Part 19, is amended to include a new § 19.534 and reads as follows:

* * * * *

Sec.

* * * * *

19.534 Withdrawals of spirits for use in the production of nonbeverage wine and nonbeverage wine products.

* * * * *

Par. 2. Section 19.531 in Subpart O is amended by striking out the conjunctive "or" at the end of paragraph (g), replacing the period at the end of paragraph (h) with a semicolon followed by the conjunctive "or" and a comma, and inserting new paragraph (i) to read as follows:

Subpart O—Transfers and Withdrawals

Withdrawal of Spirits Without Payment of Tax

§ 19.531 Authorized withdrawals without payment of tax.

Spirits may be withdrawn from bonded premises, without payment of tax for:

* * * * *

(i) Use in the production on bonded wine cellar premises in wine and wine products which will be rendered unfit for beverage use, as authorized by 26 U.S.C. 5362(d). The withdrawal of spirits as provided in paragraphs (a) through (e) of this section shall be in accordance with the regulations in Part 252 of this chapter.

(Sec. 311, Tariff Act of 1930, 46 Stat. 691, as amended (19 U.S.C. 1311); sec. 201 Pub. L. 85–859, 72 Stat. 1362, as amended, 1375, as amended, 1382, as amended (26 U.S.C. 5214, 5312, 5373); sec. 3, Pub. L. 91–659, 84 Stat. 1965, as amended (26 U.S.C. 5066); sec. 455, Pub. L. 89–369, 98 Stat. 494 (26 U.S.C. 5214))

Par. 3. Section 19.534 is added to Subpart O and reads as follows:

§ 19.534 Withdrawals of spirits for use in production of nonbeverage wine and nonbeverage wine products.

Spirits withdrawn without payment of tax may be removed, pursuant to the provisions of Part 240 of this chapter, to a bonded wine cellar for use in the production of nonbeverage wine and nonbeverage wine products in accordance with the provisions of Part 170 of this chapter.

PART 240—WINE

Par. 4. In the table of sections, the title of Subpart PP is revised and the title for Subpart RR is added to read as follows:

* * * * *

Subpart PP—Use of Spirits

* * * * *

Subpart RR—Tax Liability for Spirits Withdrawn to a Bonded Wine Cellar

* * * * *

Par. 5. The text of § 240.820 is revised to read as follows:

§ 240.820 General.

(a) *Beverage wine.* Spirits authorized for use in the production of beverage wine shall be wine spirits produced from the distilling material authorized for use in distillery operations under 26 U.S.C. 5373, but shall not be reduced with water from distillation proof, nor be distilled at less than 140 degrees proof. However, commercial brandy

aged in wood for a period of not less than two years and barreled at not less than 100 degrees proof shall be deemed wine spirits for the purposes of this part.

(b) *Nonbeverage wine.* Spirits authorized for use in the production of wine and wine products which are to be rendered unfit for beverage use shall be spirits as defined in Part 19 of this chapter.

(c) *Storage.* The spirits received by the proprietor will be locked in a secure room or locker on the bonded premises. Wine spirits will be segregated from other spirits. Spirits will remain in original packages in the storeroom until withdrawn for use.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1382, as amended, 1833, as amended (26 U.S.C. 5373, 5382))

PART 240—[AMENDED]

Par. 6. In addition to the amendments set forth above, Title 27, Code of Federal Regulations, Part 240, is amended by striking the term "wine spirits" where it appears in the titles and texts of the following sections and inserting in its place the word "spirits": §§ 240.140, 240.142, 240.143, 240.160, 240.161, 240.162, 240.163, 240.166, 240.167, 240.168, 240.169, 240.174, 240.198, 240.208, 240.221, 240.250, 240.253, 240.273, 240.320, 240.321, 240.821, 240.822, 240.823, 240.824, 240.825, 240.826, 240.827, 240.828, 240.830, 240.831, 240.832, 240.835, 240.836, 240.838, 240.840, 240.841, 240.850, 240.851, 240.852, 240.853, 240.855, 240.857, 240.858, 240.859, 240.880, 240.881, 240.904, 240.908.

Signed: September 6, 1984.

W.T. Drake,

Acting Director.

Approved: October 10, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84–27839 Filed 10–22–84; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD 6010.8–R, Amdt. No. 29]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Amendment of Ambulance Service Coverage

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This final rule will amend DOD 6010–8–R which implements the civilian Health and Medical Program of the Uniformed Services. The rule will revise the definition of "ambulance," remove the $100 allowable charge ceiling used to distinguish between local and long-distance ambulance service, and expand coverage for transfer to a Uniformed Service Medical Treatment Facility (USMTF). Elimination of the monetary limit, together with the expanded coverage, will make the ambulance service benefit more responsive to patients' needs and consistent with present day economic realities.

DATE: This amendment is effective October 23, 1984.

FOR FURTHER INFORMATION CONTACT: David E. Bennett, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, Telephone (303)–361–3537.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DOD 6010.8–R "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

In FR Doc. 84–11237 appearing in the **Federal Register** on April 26, 1984 (49 FR 17976), the Office of the Secretary of Defense published for public comment a proposed amendment eliminating the $100 ceiling currently used to distinguish between local and long distance ambulance service and expanding coverage for transfers to Uniformed Service Medical Treatment Facilities (USMTF). Public comments were to be submitted by May 25, 1984.

All comments supported the proposed rulemaking; however, there were several editorial suggestions which were accepted and incorporated into this rule.

While the $100 ceiling has been effective in eliminating payment for ambulance service provided for reasons other than medical necessity, it also has penalized those beneficiaries whose ambulance services were medically necessary but which exceeded the $100 limitation for local service and failed to meet the criteria for long distance service. Due to rising ambulance service charges and varying service rates around the country, it is inappropriate to place a monetary limitation as the dividing element between local and long-distance ambulance service. Beneficiaries residing within the general service area of a hospital or in a geographic area that has a high cost of living index should not be penalized financially because of residence.

Allowable charge or cost methodology is the most equitable means of adjudicating ambulance claims. Information from ambulance companies in each service area will be used in the development of prevailing charge screens. Established criteria in the Regulation together with the provisions of the final amendment will prevent payment of ambulance services provided for other than medical necessity. Approval will still depend on such criteria as medical necessity, closest appropriate facility, least costly, accessibility, and others.

This amendment also expands ambulance coverage to include transfers to a USMTF. Benefits would be available for emergency transfers from a beneficiary's place of residence, accident scene, or other location, and transfers to a USMTF after treatment at, or admission to, a civilian hospital. However, payment would be made only when the ambulance is ordered by other than USMTF personnel. This would be consistent with the current military health care trend to provide maximum care services. It would also reduce CHAMPUS utilization and promote cost containment.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, is amended to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Section 199.8 is amended by revising the "ambulance" definition to read as follows:

§ 199.8 Definitions.

* * * * *

(b) * * *

Ambulance. A specially designed vehicle for transporting the sick or injured that contains a stretcher, linens, first aid supplies, oxygen equipment, and such lifesaving equipment required by state and local law, and that is staffed by personnel trained to provide first aid treatment.

* * * * *

Section 199.10 is amended by revising paragraph (d)(3)(v) to read as follows:

§ 199.10 Basic program benefits.

* * * * *

(d) * * *

(3) * * *

(v) *Ambulance.* Civilian ambulance service to, from, and between hospitals is covered when medically necessary in connection with otherwise covered services and supplies and a covered medical condition. Ambulance service also is covered for transfers to a Uniformed Service Medical Treatment Facility (USMTF). For the purpose of CHAMPUS payment, ambulance service is always an outpatient service (including in connection with maternity care).

(*a*) Ambulance service is covered for emergency transfers from a beneficiary's place of residence, accident scene, or other location to a USMTF, and for transfers to a USMTF after treatment at, or admission to, a civilian hospital, if ordered by other than a representative of the USMTF.

(*b*) Ambulance service cannot be used instead of taxi service and is not payable when the patient's condition would have permitted use of regular private transportation; nor is it payable when transport or transfer of a patient is primarily for the purpose of having the patient nearer to home, family, friends, or personal physician. Except as described in paragraph (d)(3)(v)(*a*), of this section, transport must be to closest appropriate facility by the least costly means.

(*c*) Vehicles such as medicabs or ambicabs function primarily as public passenger conveyances transporting patients to and from their medical appointments. No actual medical care is provided to the patients in transit. These types of vehicles do not qualify for benefits for the purpose of CHAMPUS payment.

(*d*) Ambulance services by other than land vehicles (such as a boat or airplane) may be considered only when the pickup point is inaccessible by a land vehicle, or when great distance or other obstacles are involved in transporting the patient to the nearest hospital with appropriate facilities and the patient's medical condition warrants speedy admission or is such that transfer by other means is contraindicated.

* * * * *

(10 U.S.C. 1079; 5 U.S.C. 301)

Dated: October 12, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense..

[FR Doc. 84-27857 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 199

[DoD 6010.8-R, Amdt. No. 28]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Postmastectomy Reconstructive Breast Surgery

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of final rule, correction.

SUMMARY: This document corrects the amendment of Final Rule for postmastectomy reconstructive breast surgery provisions of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) which was published September 28, 1984 [49 FR 38265].

FOR FURTHER INFORMATION CONTACT: Patricia H. Means (202-697-4111).

Accordingly, the Department of Defense is correcting [DoD 6010.8-R] to read as follows: [DoD 6010.8-R, Amdt. No. 28].

Dated: October 16, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-27856 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 199

[DoD 6010.8-R, Amdt. No. 27]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Treatment of Mental Disorders

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of final rule, correction.

SUMMARY: This document corrects the amendment number for DoD 6010.8-R contained in the amendment of the Final Rule for the treatment of mental disorders provisions of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) which was published September 14, 1984 [49 FR 36087].

FOR FURTHER INFORMATION CONTACT: Patricia H. Means (202-697-4111).

Accordingly, the Department of Defense is correcting [DoD 6010.8-R, Amdt. No. 28] to read as follows: [DoD 6010.8-R, Amdt. No. 27].

Dated: October 12, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-27855 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; To Revise the Occupancy Requirements for Home Improvement and Refinancing Loans.

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations to allow, on home improvement and refinancing loans, the waiver of the requirement that veterans be personally occupying the property at the time the loan is closed and instead certify that they intend to occupy the property after the completion of major repairs, alterations, or improvements. Under the current regulations, veterans wishing to make major improvements to their homes, that preclude occupancy, have not been able to obtain a VA loan. The amended regulations will permit those veterans to certify that they intend to occupy the property as their home after the improvements are made; and, as a result of the amended regulations, more veterans will be able to use their loan guaranty benefits.

EFFECTIVE DATE: These regulations are effective November 23, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420, (202) 389-3042.

SUPPLEMENTARY INFORMATION: On April 19, 1984, the VA published in the **Federal Register** (49 FR 15573) proposed amendments to 38 CFR 36.4303, 36.4306, 36.4507, and 36.4519, Loan Guaranty regulations. Public comments were requested on the proposal to modify the occupancy requirements on home improvement and refinancing loans in which extensive alterations, repairs, or improvements to the property make occupancy impractical while the work is being done to the property. No public comments were received during the comment period and the amended regulations are now being published as final.

The modified occupancy requirements will only apply to conventionally constructed homes. No similar changes are being made to the VA regulations governing manufactured homes. Because of the nature of manufactured homes, it is not likely that any alterations, repairs, or improvements would be extensive enough to require the veteran to vacate the property. The amendments will also not apply to VA-interest rate reduction

refinancing loans since that type of loan is strictly to reduce the interest rate of an existing VA loan and no monies go to the veteran.

The Administrator hereby certificates these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory analysis requirements of sections 603 and 604. The regulations will have no impact on small private and nonprofit organizations and small government jurisdictions and should have a minor but beneficial economic impact upon small businesses participating in the loan guaranty program.

The amended regulations have been reviewed pursuant to Executive Order 12291, Federal Regulation, and have been found to been found to be nonmajor regulation changes. The amendments will provide the opportunity for more veterans to obtain VA-guaranteed or insured loans.

The regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices for consumers, individual industries, or other significant adverse effects on competition, employment, investment, productivity, innovative, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Catalog of Federal Domestic Assistance Program number, 64.114)

These amendments are promulgated under authority granted the Administrator by sections 210(c), 1803(c) and 1804(c) of title 38, United States Code.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing Loan programs—housing and community development, Manufactured homes, Veterans.

Dated: October 4, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 36—[AMENDED]

38 CFR Part 36, LOAN GUARANTY, is amended as follows:

1. Section 36.4303 is amended by revising paragraph (f) to read as follows:

§ 36.4303 Reporting requirements.

* * * * *

(f) Evidence of a guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or be a separate certificate at the option of the lender. Notice of credit to an insurance account will be given to the lender. Unused certificates of eligibility issued prior to March 1, 1946, are void. No certificate of commitment shall be issued and no loan shall be guaranteed or insured unless the lender, the veteran, and the loan are shown to be eligible. Evidence of guaranty or insurance will not be issued on any loan for the purchase or construction of residential property unless the veteran certifies, in such form as the Administrator shall prescibe, that the veteran intends to occupy the property as the veteran's home. Guaranty or insurance evidence will not be issued on any loan for the alteration, improvement, or repair of any residential property or on a refinancing loan unles the veteran certifies that the veteran presently occupies the property as the veteran's home. An exception to this is if the home improvement or refinancing loan is for extensive changes to the property which will prevent the veteran from occupying the property while the work is being completed. In such case the veteran must certify that he or she intends to occupy or to reoccupy the property as his or her home upon completion of the substantial improvements or repairs. All of the mentioned certifications must take place at the time of loan application and closing except in the case of loan automatically guaranteed, in which case veterans shall make the required certifications only at the time the loan is closed. (38 U.S.C. 1802(c), 1804(c))

* * * * *

2. In § 36.4306, the introductory portion of paragraph (a) and paragraph (c) are revised to read as follows:

§ 36.4306 Refinancing of mortgage or other lien indebtedness.

(a) Any loan for the purpose of refinancing (38 U.S.C. 1810(a)(5)) an existing mortgage loan or other indebtedness secured by a lien of record on a dwelling or farm residence owned and occupied or to be reoccupied if the refinancing loan is for the completion of major alterations, repairs, or improvements to the property, by an eligible veteran as the veteran's home shall be eligible for guaranty in an amount not to exceed sixty (60) percent of the loan amount or $27,500, whichever is less, provided that—(38 U.S.C 1810(c)):

* * * * *

(c) Nothing shall preclude guaranty of a loan to an eligible veteran having home loan guaranty entitlement to refinance under the provisions of 38 U.S.C. 1810(a)(5) a VA guaranteed or insured (or direct) mortgage loan made to him or her which is outstanding on the dwelling or farm residence owned and occupied or to be reoccupied after the completion of major alterations, repairs, or improvements to the property, by the veteran as a home. (38 U.S.C. 1810(c))

* * * * *

3. In § 36.4507, paragraph (c) is revised to read as follows:

§ 36.4507 Refinancing of mortgage or other lien indebtedness.

* * * * *

(c) Nothing shall preclude making a loan pursuant to the provisions of 38 U.S.C. 1810(a)(5) to an eligible veteran having home loan guaranty entitlement to refinance a loan previously guaranteed insured or made by the Administrator which is outstanding on the dwelling or farm residence owned and occupied or to be reoccupied after the completion of major alterations, repairs, or improvements to the property, by the veteran as the veteran's home. (38 U.S.C. 1810(c))

* * * * *

4. In § 36.4519, paragraphs (a), (5), and (6) are revised as follows:

§ 36.4519 Eligible purposes and reasonable value requirements.

(a) * * *

(4) To repair, alter, or improve a farm residence or other dwelling owned and occupied or to be reoccupied after the completion of major alterations, repairs, or improvements to the property, by the veteran as his or her home; (38 U.S.C. 1811(b))

(5) To make energy conservation improvements to a dwelling owned and occupied or to be occupied after the completion of major alterations, repairs, or improvements to the property, by the veteran as his or her home; (38 U.S.C. 1811(b))

(6) To refinance (38 U.S.C. 1810(a)(5)) existing mortgage loans or other lines which are secured of record on a dwelling or farm residence owned and occupied or to be reoccupied after the completion of major alterations, repairs or improvements to the property, by the veteran as the veteran's home; (38 U.S.C. 1811(b))

* * * * *

(38 U.S.C. 310(c); 1803(c))

[FR Doc. 84-27914 Filed 10-22-84; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[OW-4-FRL-2695-4]

Approval of North Carolina's NPDES Program To Regulate Federal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On September 28, 1984, the Environmental Protection Agency (EPA) approved the State of North Carolina's request to include regulation of Federal facilities under their State water pollution permit program. Previously the State had been approved to participate in the NPDES program. This action is in accordance with the 1977 Clean Water Act amendments. It will allow the State of North Carolina to use its own water pollution control programs.

DATE: September 28, 1984.

FOR FURTHER INFORMATION CONTACT: Jim Patrick, Water Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881-3012.

SUPPLEMENTARY INFORMATION: In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) to authorize States to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the NPDES program, were precluded from regulating Federal facilities. Therefore, EPA in approving State programs under section 402(b) reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's **Federal Register** notice is to announce the approval of the State of North Carolina's request to assume NPDES authority over Federal facilities.

List of Subjects in 40 CFR Part 123

Administrative practice and procedure, Confidential business information, Indians—lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution.

(33 U.S.C. 1251 et seq.)

Dated: September 28, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-27230 Filed 10-22-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6627]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287-0876, 500 C Street, Southwest, FEMA—Room 416, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—flood plains

PART 64—[AMENDED]

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

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Pennsylvania, Chester	Newlin, township of	421486	Oct. 24, 1975, Emerg., Aug. 1, 1984, Reg., Aug. 1, 1984, Susp., Sept. 6, 1984, Rein.	Nov. 1, 1974, and Aug. 6, 1976.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Missouri, Maries	Unincorporated areas	290816A	Sept. 10, 1984, Emerg	Feb. 1, 1984.
Texas, Fort Bend	Fort Bend Municipal Utility District No. 34	481520—New	do	
Missouri				
Wayne	Unincorporated areas	290449A	do	Feb. 15, 1984.
Barton	do	290785A	do	Apr. 19, 1983.
Colorado, Garfield	Silt, town of	080223	do	July 25, 1975.
Ohio, Lawrence	Proctorville, village of	390700B	Feb. 14, 1977, Emerg., Aug. 1, 1984, Reg., Aug. 1, 1984, Susp., Sep. 6, 1984, Rein.	Apr. 18, 1975 and Sept. 21, 1979.
Oklahoma, Washita	Colony, town of	400253A	Sept. 10, 1984, Emerg., Sept. 10, 1984, Reg	Aug. 13, 1976, and Feb. 16, 1983.
Arizona, Graham	Safford, city of	040124—New	Sept. 12, 1984, Emerg	
Missouri, St. Francois	Unincorporated areas	290832A	do	Sept. 30, 1983.
South Carolina, Beaufort	Hilton Head Island, town of[1]	450250—New	Sept. 12, 1984, Emerg., Sept. 12, 1984, Reg	
Iowa, Linn	Coggon, city of	190189B	May 9, 1975, Emerg., July 16, 1984, Reg., July 16, 1984, Susp., Sept. 12, 1984, Rein.	June 21, 1974 and Feb. 20, 1976.
Florida, Lake	Fruitland Park, city of	120387B	July 19, 1975, Emerg., Sept. 5, 1984, Reg., Sept. 5, 1984, Susp., Sept. 24, 1984, Rein.	Jan. 14, 1977.
Virginia, Accomack	Saxis, town of	510003A	Mar. 11, 1976, Emerg., Nov. 17, 1982, Reg., Nov. 17, 1982, Susp., Sept. 28, 1984, Rein.	Feb. 7, 1975, and Nov. 17, 1982.
New York, Franklin	Bellmont, town of	361392	Sept. 24, 1984, Emerg	Jan. 17, 1975.
Pennsylvania, Chester	Valley, township of	421206A	May 23, 1974, Emerg., Aug. 1, 1984, Reg., Aug. 1, 1984, Susp., Sept. 19, 1984, Rein.	Nov. 8, 1974.
Texas, Medina	LaCoste, city of	480475	Sept. 24, 1984, Emerg., Sept. 24, 1984, Reg	Jan 9, 1974, Feb. 27, 1976, and May 1, 1979.
Region II				
New Jersey, Sussex	Ogdensburg, borough of	340454B	Sept. 5, 1984, suspension withdrawn	May 17, 1974, and Oct. 31, 1974.
New York:				
Dutchess	Beekman, town of	361333C	do	Oct. 18, 1974, Aug. 13, 1976, and Apr. 15, 1977.
Columbia	Clermont, town of	361315B	do	Nov. 8, 1974, June 4, 1976.
Monroe	Fairport, village of	360415B	do	May 31, 1974, and Aug. 20, 1976.
Rensselaer	Nassau, town of	361155A	do	Nov. 22, 1974.
Dutchess	Northeast, town of	361340B	do	Oct. 18, 1974, and Jan 9, 1976.
Region III				
Maryland, Hartford	Havre de Grace, city of	240043C	do	July 26, 1974, Jan. 16, 1976, and Mar. 15, 1977.
Region IV				
Kentucky, Floyd	Unincorporated areas	210069B	do	Dec. 13, 1974, June 17, 1977.
South Carolina, Beaufort	Beaufort, city of	450026C	do	June 28, 1974, Sept. 5, 1975, and May 2, 1977.
Tennessee:				
Anderson	Unincorporated areas	470217B	do	June 17, 1977.
Unico	Erwin, city of	470094B	do	July 2, 1976, Dec. 17, 1976.
Region V				
Illinois, Pike	Pearl, village of	170556C	do	Dec. 28, 1973, Mar. 26, 1976, and Sept. 16, 1981.
Region VIII				
Montana, Flathead	Unincorporated areas	300023C	do	Sept. 13, 1974, Mar. 19, 1976, and June 28, 1977.
Region IX				
California, San Diego	Oceanside, city of	060294B	do	May 10, 1974, and Oct. 27, 1976.
Region II				
New York:				
Cayuga	Scipio, town of	360122B	Sept. 19, 1984, suspension withdrawn	May 31, 1974, May 28, 1976, and Dec. 23, 1983.
Do	Venice, town of	360130B	do	June 28, 1974, and Dec. 23, 1983.
Region V				
Indiana, Clark	Utica, town of	180487A	do	Feb. 12, 1982.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Ohio, Hamilton	St. Bernard, city of	390235B	do	May 10, 1974, and Apr. 9, 1976.
Wisconsin:				
Iowa	Avoca, village of	550173B	do	Jan. 9, 1974, and May 14, 1976.
Waupaca	Clintonville, city of	550494A	do	July 30, 1976.
Sauk	North Freedom, village of	550399C	do	Dec. 17, 1973, Oct. 24, 1975, and Feb. 6, 1976.
Do	West Baraboo, village of	550407	do	Jan. 16, 1974, and June 11, 1976.
Region VII				
Iowa, Linn	Fairfax, city of	190190B	do	May 3, 1974, and Dec. 5, 1975.
Region X				
Oregon, Malheur	Jordan Valley, city of	410150A	do	Feb. 7, 1975.
Region III				
Maryland:				
Talbot	Easton, town of	240067B	Sept. 28, 1984, suspension withdrawn	Aug. 9, 1974, and Jan. 16, 1976.
St. Mary's	Leonardtown, town of	240065B	do	July 19, 1974, and Jan. 16, 1976.
Queen Annes	Queenstown, town of	240120B	do	Dec. 20, 1974, and June 18, 1976.
Pennsylvania:				
Blair	Duncansville, borough of	420161B	do	June 28, 1974, and April 30, 1976.
Do	Logan, township of	421391A	do	Jan. 3, 1975.
Region IV				
Florida, Alachua	Unincorporated areas	120001A	do	Sept. 28, 1984.
Region V				
North Dakota, Barnes	Valley City, city of	380002D	do	Feb. 8, 1974, Jan. 31, 1978, and Nov. 13, 1979.
Utah, Cache	Logan, city of	490019B	do	Jan. 16, 1974, and Apr. 8, 1977.
Region IX				
California, San Diego	Santee, city of	060703B	do	Sept. 7, 1972.
Region X				
Idaho:				
Canyon	Nampa, city of	160038C	do	May 31, 1974, Aug. 13, 1976, and July 19, 1977.
Kootenai	Rathdrum, city of	160167A	do	July 11, 1975.
Canyon	Unincorporated areas	160208B	do	May 24, 1977.
Oregon:				
Washington	Beaverton, city of	410240B	do	Feb. 1, 1974, and June 25, 1976.
Do	Burns-Paiute, Indian Reservation	410281B	do	July 18, 1978.
Coos	Coquille, city of	410045B	do	Nov. 3, 1973, and Oct. 10, 1975.
Harney	Hines, city of	410085B	do	Nov. 30, 1983.

[1] This is a newly incorporated community which was contained entirely in Beaufort County, South Carolina. Since the community is compliant with § 60.3(e) and was part of a Regular Program community, it is being entered directly into the Regular Program. The Town will use Beaufort County's map in the interim for insurance purposes.
Beaufort County—Community No. 450025, hazard area identified May 2, 1977, and Sept. 30, 1977.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

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

Issued: October 17, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-27847 Filed 10-22-84; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 49, No. 206
Tuesday, October 23, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ASO-21]

Proposed Designation of Transition Area; Lake City, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate the Lake City, South Carolina, transition area to accommodate instrument flight rule (IFR) operations at Cliff J. Evans Airport. This action will lower the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the Cliff J. Evans nondirectional radio beacon (NDB) is being developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical operations.

DATES: Comments must be received on or before December 1, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Walter H. Wulff, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rule-making by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. ———." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will designate the Lake City, South Carolina, transition area This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Cliff J. Evans Airport. If the proposed designation of the transition area is found acceptable, the operating status of the airport will be changed to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6 dated January 3, 1984.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to designate the Lake City, South Carolina, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Lake City, SC—[New]

The airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Cliff J. Evans Airport (lat. 33°51'14" N., long. 79°46'08" W.); within three miles each side of the 192° bearing from the Lake City RBN (lat. 33°51'21" N., long. 79°45'58" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion which coincides with the Kingstree, South Carolina, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.65)

Issued in East Point, Georgia, on October 10, 1984.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 84-27661 Filed 10-22-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 158

Proposed Customs Regulations Amendment Relating to Entry Summary Filing

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

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to allow importers to file entry summaries and pay duty for less than the invoiced and manifested number of packages in a "permitted" shipment, provided the importer submits both a discrepancy report and, in lieu of the carrier's declaration on the report (attesting to the shortage), copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages. This amendment is necessary because the carrier is often reluctant to provide the declaration requested, thus forcing the importer to pay unnecessary duties on lost or missing packages and later claim a refund. The purpose of the amendment is to relieve importers of the burden of requiring them to obtain the carrier's declaration on the discrepancy report.

DATE: Comments must be received on or before December 24, 1984.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Comments relating to the information collection aspects of the proposal should be addressed to the Commissioner of Customs, as noted above, and also to the Office of Information and Regulatory Affairs, Attention: Desk Officer for U.S. Customs Service, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Jerry C. Laderberg, Entry Procedures and Penalties Division (202-566-5765).

Operational Aspects: Thomas Davis, Office of Cargo Enforcement and Facilitation (202-566-5354), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Section 158.2, Customs Regulations (19 CFR 158.2), provides that an importer may file an entry summary for consumption or an entry summary for warehouse for less than the invoiced and manifested number of packages in a "permitted" shipment if he files with the entry summary a Customs Form 5931, in triplicate. Section 158.1 defines a permitted shipment as one in which Customs authorizes the carrier bringing the shipment to the port to make delivery to the consignee or the next carrier and:

(a) These parties in interest, or their agents, make a joint determination of the quantities being delivered, or,

(b) The carrier bringing the shipment to the port, at its option, independently declares the quantities available for delivery by filing with the district director, no later than the close of business on the next working day after a determination of quantities is made, a signed statement that:

(1) An independent determination of quantities of merchandise available for delivery has been made, within the date of the determination shown;

(2) At least 4 days have elapsed since the consignee or his agent was notified that Customs has authorized delivery; and,

(3) The merchandise was and is available for delivery.

The Customs Form 5931, titled "Discrepancy Report and Declaration," must be completed by both the importer and the importing or bonded carrier, as apropriate, and must contain a declaration by the carrier that the missing packages were not available for delivery within the provisions of section 448(a), Tariff Act of 1930, as amended (19 U.S.C. 1448(a)).

Section 158.3, Customs Regulations (19 U.S.C. 158.3), provides that a refund shall be allowed for duties paid for lost or missing packages in a shipment included in an entry summary whenever it is established to the satisfaction of the district director of Customs, before liquidation of the entry summary becomes final, that the packages claimed to be lost or missing were not delivered to the consignee or another carrier. A claim for this allowance must be made on Customs Form 5931 completed by both the importer and the importing or bonded carrier. If the carrier refuses to complete Customs Form 5931, the claim may nevertheless be allowed if the importer completes Customs Form 5931 and attaches copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages.

Under these regulations an importer who cannot obtain the immediate cooperation of the carrier in completing the Customs Form 5931 upon entry or presentation of the entry summary must pay the duty on the lost or missing packages and later seek a refund of the duty under § 158.3. Importers are thus forced to pay unnecessary duties because of the carrier's refusal to cooperate or its delay in completing the form.

The proposed amendment to § 158.2 would relieve importers of the burden of obtaining the carrier's attestation to the shortage on Customs Form 5931 in order to file an entry summary for the actual number of packages in a shipment. The proposed amendment would allow importers to file an entry summary for the actual number of packages released, provided that they submit both Customs Form 5931 completed by them and, in lieu of the carrier's declaration of the form, copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages. Importers would thereby be allowed to avail themselves of the relief offered in § 158.3 at the time the entry summary is filed, rather than at some later date before liquidation of the entry summary becomes final.

The change proposed by this document is currently operative in all Customs field offices, by virtue of a telex from Customs Headquarters dated June 6, 1983, instructing all field officers to make the change pending its incorporation into § 158.2. The amendment is necessary to ensure uniformity of application by Customs field officers and to inform the importing community of this change.

Comment

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

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly,

no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Paperwork Reduction Act

Pursuant to section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), this document has been submitted to the Office of Management and Budget (OMB) for review and comment. Public comments relating to the information collection aspects of the proposal should be addressed to Customs and to OMB at the addresses set forth in the ADDRESS portion of this document.

Authority

This amendment is proposed under the authority of R.S 251, as amended (19 U.S.C. 66), section 1, 19 Stat. 247, 249 (19 U.S.C. 197), section 1, 36 Stat. 965 (19 U.S.C. 198), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 641, 46 Stat. 759, as amended (19 U.S.C. 1641), section 648, 46 Stat. 762 (19 U.S.C. 1648).

List of Subjects in 19 CFR Part 158

Customs duties and inspections, Imports, Freight.

Proposed Amendment

It is proposed to amend § 158.2, Customs Regulations (19 CFR 158.2), to read as follows:

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

§ 158.2 Shortages in packages released under immediate delivery or entry.

An importer may file an entry summary for consumption or an entry summary for warehouse for less than the invoiced and manifested number of packages in a shipment "permitted" and delivered to him or deposited in a bonded warehouse under the immediate delivery procedure in § 142.21 of this chapter, or under the entry documentation in § 142.3(a), if he files with the entry summary a Customs Form 5931 in triplicate. The Customs Form 5931 shall be completed by the importer with attached copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: July 2, 1984.

Edward T. Stevenson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84–27913 Filed 10–22–84; 8:45 am]

BILLING CODE 4820–02–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 547]

Registry Numbers of Bottlers of Wine and Extension of Mandatory Compliance Date

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

ACTION: Notice of proposed rulemaking.

SUMMARY: ATF is proposing to take regulatory action on the requirement in the wine labeling regulations which requires that the registry number of the bottler be shown in direct conjunction with the name and address of the bottler. ATF is requesting comment on whether the requirement should be removed from the regulations, or should the American importers of foreign wines also be required to label their registry or permit number, or should the registry or permit number be required only when a trade name, other than the corporate name, is used on labels of wine.

This regulatory action is the result of a petition submitted by the Wine Institute. The petitioner maintains that requiring the registry number to be placed on all wine labels will serve no useful purpose and will result in costly label revisions. Further, the Wine Institute maintains that the present requirement is discriminatory against American bottlers since American importers are not required to label their registry or permit number.

ATF is also proposing to extend the mandatory compliance date from January 1, 1985, to January 1, 1987, for two regulations that are involved in rulemaking proceedings. The regulations are 27 CFR 4.35(d), the registry number of the bottler, and 27 CFR 4.39(i), brand names having geographic significance. This extension will allow sufficient time for the rulemaking processes to be completed.

DATE: Comments on the extension of the mandatory compliance date must be received on or before November 7, 1984.

Comments on the labeling of the registry or permit number of the bottler must be received on or before January 21, 1985.

ADDRESS: Comments should be submitted to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385 (Notice No. 547).

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

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624), relating to the labeling and advertising of wine. Among the regulatory amendments adopted is the requirement in 27 CFR 4.35(d), relating to the name and address of the bottler of the wine. One of the requirements in this section is that, in addition to the name and address of the bottler, the registry number of the premises where the wine is bottled must be shown in direct conjunction with the name and address of the bottler, and in type as conspicuous therewith. The requirement applies whether the wine is bottled at an American bonded winery, bonded wine cellar, taxpaid wine bottling house, or distilled spirits plant. This requirement was to have become mandatory on January 1, 1983.

However, due to the length and uncertainties surrounding the court case of *Wawszkiewicz* v. *Department of the Treasury*, 480 F. Supp. 739 (D.D.C. 1979), *aff'd in part*, and *rev'd in part*, 670 F.2d 296 (D.C. Cir. 1981), the mandatory compliance date was extended for two years until January 1, 1985. This extension was accomplished in Treasury Decision ATF–126 (January 21, 1983, 48 FR 2762).

Subsequently, ATF received a petition dated March 30, 1984, from the Wine Institute to remove the registry number requirement from the regulations. The petitioner maintains that the appearance of the registry number serves no useful purpose and will result in costly label revisions. The petitioner also maintains that the requirement is discriminatory against American bottlers of wine since American importers are not required to include their permit number on the label,

as was originally proposed in Notice No. 304 Amended.

Notice No. 304 Amended

The proposal to require the registry number of the bottler was made in Notice No. 304 Amended (June 15, 1977, 42 FR 30517). That proposal also required American importers of wines bottled in foreign countries to show their importer's permit number on the labels. This proposal made in Notice No. 304 Amended was based on comments and testimony received during hearings on the original Notice No. 304. The intent of the proposal was to aid the consumer in identifying the bottler regardless of the various trade names the bottler may use. Industry members, most notably the Taylor Wine Company, Inc. and the Wine Institute supported the concept of labeling the registry number, but only where a trade name, other than the corporate name, was used on labels of wine.

The final rule, Treasury Decision ATF-53, required all American bottlers of wine to include their registry number on labels. The rule did not require American importers to show their permit number on the labels of imported wine.

Registry Number of American Bottlers

ATF has considered the proposals made by the Wine Institute in their petition. ATF adopted the registry number requirement because it was convinced the registry number would provide the consumer with more precise information regarding who is responsible for bottling and where the bottling occurred. As previously stated, commenters responding to the proposal supported it when a trade name appeared on a label in lieu of the corporate name. The petition, however, raises some concerns regarding the need for further information on the label regarding the bottler, other than the name and address already provided. The petition also questions the value of the registry number in providing the general consumer useful information. The petition reflects the original policy of the Wine Institute, in that they supported the use of registry numbers when the corporate name was not used on wine labels.

ATF recognizes that the name of the bottler and the address of where the wine is bottled is important consumer information. The use of registry numbers was meant to address the problems raised by the use of a trade name. However, even if a bottler elects to use a trade name, other than the corporate name, the address on the labels remains the same. In addition, beginning January 1, 1985, the address of the bottler's principal place of business may not appear on a label of wine in lieu of the actual place where the winemaking operation occurred. Finally, when more than one winemaking operation is designated on a label, the address of where each operation occurred, if different, must also appear on the label.

Registry Number of American Importers

The proposed regulation in Notice No. 304 Amended would have required that American importers of wine bottled in foreign countries to label their registry number, *i.e.*, the number issued on the basic permit. However, the final regulation issued in T.D. ATF-53 requires that only American bottlers of wine label their registry number. The Wine Institute stated in their petition that this discriminates against American bottlers since they are required to label that information while American importers are not so required. Since many importers also operate under trade names, other than the corporate name, the premise for requiring American bottlers to label their registry number can also be applied in the case of American importers. This, then, raises the issue of creating a nontariff trade barrier by requiring American importers to disclose their registry number on wine labels.

The issue of creating nontariff trade barriers comes under the provisions of the General Agreement on Tariffs and Trade (GATT) (1947), and the Trade Act of 1974. The purpose of this Act, as stated in its preamble, is to promote the development of open, nondiscriminatory, and fair world economic system, and to stimulate fair and free competition between the United States and foreign countries. Section 2 of the Act continues and states that one of the purposes is to harmonize, reduce, and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States.

The issue here, in considering the intent of this notice, is would a nontariff trade barrier be created if American importers were required to show their registry number on labels of imported wines. For the following reasons, ATF does not believe a nontarfiff trade barrier would be created.

(a) A nontariff trade barrier discriminates against a particular party, or provides a competitive edge to one party. To require that American importers label their registry number would make the requirement apply equally since American bottlers of wine are now required to label their registry number.

(b) Requiring American importers to show their registry number on labels of wine bottled in foreign countries places no undue burden or hardship on foreign industry members or affects their trade with the United States in any way. The mandatory information on labels of imported wine must be stated in English. This information is coordinated by the American importer to the foreign bottler or the use of strip stamps is utilized. No burden or hardship is created by adding the registry number. In fact, many importers already show their registry number on labels of imported wine. The act of affixing labels is not increased by adding the registry number on the labels themselves. If American importers are required to show their registry number, a sufficient period of time will be granted to deplete existing supplies of labels.

ATF has stated its reasons for believing that if American importers are required to label their registry number, this will not create a nontariff trade barrier. To ensure that all avenues are explored, ATF is requesting specific comments concerning a nontariff trade barrier. Any commenter taking exception to ATF's position should document their comment on how and why a nontariff trade barrier would be created.

Issues

In light of these concerns and the current labeling requirements, ATF is requesting specific comments on alternatives regarding the use of registry numbers on wine labels.

(a) Should the requirement to include the registry number as well as the name and address of the bottler be amended? When a bottler uses a trade name rather than the corporate name, is any less information conveyed to the consumer? Would the appearance of the registry number convey any more specific information than the name and address statement? Does the consumer understand what a registry number is and what it signifies on a label?

(b) If it is found that the registry number should be shown on labels of wine, should American importers be required to show their registry number on labels of wine bottled in foreign countries?

(c) Assuming that the registry number should appear on labels of wine, should the registry number be required in all cases, or only where a trade name is used?

(d) ATF is proposing, in this notice to defer the mandatory compliance date of the regulation requiring the labeling of the bottler's registry number until

January 1, 1987. The issue on whether the registry number should be shown on labels may take some time. Since the requirement may be retained and may be expanded to include American importers, should be mandatory compliance date be deferred even further? How long would be sufficient?

Extension of Mandatory Compliance Date

ATF believes that it is imprudent to allow the provisions of a regulation to become mandatory when that regulation is involved in rulemaking and may subsequently be amended. Therefore, to ensure that a sufficient period of time is allowed to complete rulemaking on 27 CFR 4.35(d), as proposed in this notice, and 27 CFR 4.39(i), relating to brand names having geographic significance, as proposed in a previous notice, ATF is proposing to extend the mandatory compliance date from January 1, 1985, to January 1, 1987, for 27 CFR 4.35(d) and 4.39(i).

Compliance With Executive Order 12291

It has been determined that these proposed regulations are not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not result in:

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

(b) Major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(c) 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to the initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are not applicable to this notice of proposed rulemaking because, if promulgated as a final rule, it will not have a significant economic impact on a substantial number of small entities because the proposals may rescind a labeling requirement, or relax a labeling requirement, or make a labeling requirement more equitable among industry members. This notice of proposed rulemaking, if promulgated as a final rule, will not: Have significant or incidental effects on a substantial number of small entities; or impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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

Paperwork Reduction Act

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

Public Participation

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action.

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

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Disclosure

Copies of the petition, this notice, and all comments received pursuant thereto are available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, and Wine

Drafting Information

The principal author of this document is Roger Bowling of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, this notice of proposed rulemaking is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205.

Signed: September 4, 1984.

W.T. Drake,

Acting Director.

Approved: October 10, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-27841 Filed 10-22-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Public Comment Period and Opportunity for Public Hearing on an Amendment to the Wyoming 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 Wyoming 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 amendment consists of revisions to several definitions and to procedures applicable to surface coal mining operation in the areas of alluvial valley floors, valid existing rights, liability insurance and bonding.

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 not received on or before 4:00 p.m. on November 23, 1984, will not necessarily be considered. A public hearing on the proposal will be held, if requested, on November 19, 1984, at the address listed below under **ADDRESSES.** Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the OSM Casper Field Office by 4:00 p.m. on November 7, 1984. If no one has contacted Mr. Thomas 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. Thomas, a public meeting, rather than a hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public meeting will be held at the Herschler Office Building, 122 W. 25th Street, Cheyenne, Wyoming 82002.

Written comments should be mailed or hand-delivered to Mr. William R. Thomas, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, 935 Freden Building, Pendell Boulevard, Mills, Wyoming 82644.

See **SUPPLEMENTARY INFORMATION** for address where copies of the Wyoming program amendment and administrative record on the Wyoming program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Casper Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Director, Casper and Field Office, Office of Surface Mining, Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644, Telephone: (307) 261–5824.

SUPPLEMENTARY INFORMATION: Copies of the Wyoming program amendment, the Wyoming program and the administrative record on the Wyoming 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 Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, NW., Washington, DC 20240.

Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

Wyoming Department of Environmental Quality, Land Quality Division, Herschler Office Building, 122 W. 25th Street, Cheyenne, Wyoming 82002

Background

The general background on the permanent program, the general background on the State program approval process, the general background on the Wyoming program, and the conditional approval can be found in the Secretary's Findings and conditional approval published in the November 26, 1980 **Federal Register** (45 FR 78637–78634).

Proposed Amendment

On September 21, 1984, the State of Wyoming submitted to OSM amendments to its approved permanent regulatory program. The first amendment proposed by the Wyoming Department of Environmental Quality revises the following definitions found at Chapter I of the Wyoming regulations: Bond, essential hydrologic functions, material damage to the quantity or quality of water, subirrigation or flood irrigation agricultural activities, unconsolidated streamlaid deposits, undeveloped rangeland, substantially disturb and valid existing rights.

The second amendment proposed revisions to procedures applicable to surface coal mining operations. The State has proposed revisions to Chapter XIII of the Wyoming rules addressing: revised pre-application determinations relating to alluvial valley floors, bonding provisions, liability insurance requirements and evaluation criteria for valid existing rights determinations.

OSM is seeking comment on whether the Wyoming proposed modifications are consistent with SMCRA and the Federal regulations and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the program modification submitted by Wyoming for OMS'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 (OBM) 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 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

Dated: October 17, 1984.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 84–27859 Filed 10–22–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH–FRL–2695–2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to exclude solid wastes generated at several particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 124, 260 through 266, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "site-specific basis" from the hazardous waste list. The effect of this action would be to exclude certain wastes generated at particular facilities from listing as hazardous wastes under 40 CFR Part 261.

DATES: EPA will accept public comments on these proposed exclusions until December 6, 1984. Any person may request a hearing on these proposed exclusions by filing a request with Eileen B. Claussen, whose address appears below, by November 12, 1984. The request must contain the

information prescribed in 40 CFR 260.20(d).

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Requests for a hearing should be addressed to Eileen B. Claussen, Acting Director, Characterization and Assessment Division, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Communications should identify the regulatory docket number "Section 3001/Delisting Petitions."

The public docket for these proposed exclusions is located in Room S–212A, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Mr. William Sproat or Mr. Myles Morse, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 475–8551.

SUPPLEMENTARY INFORMATION: On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. (See 40 CFR 261.31 and 261.32.) [1] These wastes are listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity) or meet the criteria for listing contained in 40 CFR 261.11(a)(2) or 261.11(a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a type of waste described in these regulations generally is hazardous, a specific waste meeting the listing description from an individual facility may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. To be excluded, petitioners must show that the waste generated at their facility does not meet any of the criteria under which the waste was listed.[2] (See 40 CFR 260.22(a) and Background Documents for listed wastes.) Wastes which are are "delisted" (*i.e.*, excluded), however, still may be hazardous if they exhibit any of the characteristics of a hazardous waste, and generators remain obligated to make this determination.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is that the waste not meet any of the criteria for which it was listed originally. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constituent listed waste, or the waste mixture as a whole. (See 40 CFR 260.22(b).) Like other excluded wastes, these excluded treatment, storage, or disposal residues remain subject to Subpart C of Part 261, and so may be hazardous if they exhibit any of the characteristics of hazardous wastes.

It should be noted that EPA has not verified the test data submitted before proposing to grant these exclusions. The worn affidavits submitted with each petition bind the petitioner to present truthful and accurate test results. The Agency has initiated a spot sampling and analysis program, however, to verify the representatives of the data for some percentage of the petitions submitted before final exclusions will be granted.

Finally, it should be noted that the Agency is proposing to exclude these wastes from the list of hazardous wastes rather then granting a temporary exclusion.[3] Our reason for doing this is two-fold. First, the Agency has received comments from a number of persons on the existing delisting procedures which criticize the Agency for not providing notice and an opportunity for comment before a decision is made to exclude a waste. In addition, both Houses of Congress are considering bills to amend RCRA which, among other things, would require notice and an opportunity for comment before any new exclusions are granted, indicating Congress' concern with the Agency's failure to propose, or at least solicit comment, before a decision is made to exclude a waste. Therefore, the Agency has decided to propose and solicit comment on our decisions to exclude a waste under 40 CFR 260.20 and 260.22 before the exclusion becomes effective.

Petitioners

The proposes exclusions published today involve the following petitioners:

—Texas Instruments, Inc., Dallas, Texas
—Imperial Clevite, Salem, Indiana
—Stauffer Chemical Company, Axis, Alabama
—Stauffer Chemical Company, St. Gabriel, Louisiana
—LCP Chemical Company, Orrington, Maine
—Chrysler Corporation, Belvidere, Illinois
—Chrysler Corporation, Fenton, Missouri
—Amoco Oil Company, Wood River, Illinois

I. Texas Instruments, Inc.

A. Petition for Exclusion

Texas Instruments, Inc. (TI) of Dallas, Texas has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste Nos.:

F006—Wastewater treatment sludges from electroplating operations except from the following processes:

(1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum; and

F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.

Texas Instruments has petitioned to exclude their sludge because it does not meet the criteria for which it was originally listed.

Texas Instruments employs a number of processes, including the chromate conversion coating of aluminum, phosphating, and cadmium and nickel plating. TI claims that the wastewater that is generated in their processes is treated successfully in its wastewater

[1] The list of hazardous wastes recently was amended to include a number of wastes from the production of chlorinated aliphatic hydrocarbons by free radical catalyzed processes having carbon chain lengths ranging from one to five (see 49 FR 5308, February 10, 1984).

[2] As stated in our Notice of Intent to Request Additional Information in Processing Delisting Petitions, the Agency intends to amend the delisting procedures to require EPA to consider all criteria, constituents, or other related factors before making a decision (see 49 FR 4802, February 8, 1984). The pending RCRA reauthorization bills also would require EPA to consider these additional constituents or factors in deciding whether or not to delist a waste (see Hazardous Waste Control Act of 1983, H.R. 2867, Section 13, and the Solid Waste Disposal Act Amendment of 1983, S. 757, Section 8).

[3] The Administrator may, under 40 CFR 260.22(m), grant a temporary exclusion if there is substantial likelihood that a final exclusion ultimately will be granted. [See 45 FR 78524, November 25, 1980; 45 FR 86543, December 31, 1980; 46 FR 17196, March 18, 1981; 46 FR 40154, August 6, 1981; 46 FR 61272, December 16, 1981; and 47 FR 52668, November 22, 1982.]

treatment system and thus generates a non-hazardous sludge.

TI has submitted a detailed description of its wastewater treatment system; total constituent analyses of the sludge for cadmium, total chromium, nickel and total cyanide (complexed and uncomplexed) and EP toxicity test results for cadmium, total chromium, and nickel. Cyanide leachate concentrations using a distilled water leachate test also were reported.

Composites were collected over a four week period, averaging three times per week. The sampling was accomplished by taking a total of ten random samples from several filter dumps and placing these in large plastic bags for mixing and testing. Texas Instruments claims that these samples are representative of any variation of constituent concentration in the sludge since the metal finishing process and wastewater treatment process are very constant.

TI uses the processes of sodium metabisulfite reduction of hexavalent chromium, calcium hypochlorite destruction of cyanide, metal precipitation, and diatomacious earth filtration in its wastewater treatment system. TI also employs an electrochemical cadmium recovery unit to treat cadmium oxides prior to precipitation. Total constituent analyses of the combined F006 and F019 sludge revealed maximum cadmium, total chromium, nickel, and total cyandide concentrations of 200, 500, 100, and .25 ppm, respectively. EP toxicity test results for cadmium, total chromium, and nickel produced maximum leachate concentrations of .37, .88, and 3.09 ppm, respectively. Maximum cyanide leachate concentrations of .01 ppm were reported.

B. Agency Analysis and Action

The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed) and for No. F019 are hexavalent chromium and cyanide (complexed). Based on the information supplied by Texas Instruments, the Agency has concluded that the samples collected are representative of wastes generated from their manufacturing operation. (See the public docket for this proposal for a more detailed discussion of the representativeness of the samples.) EP extracts from sludge samples analyzed by TI show that nickel and cyanide levels in the leachate are not of regulatory concern.[4] Total chromium [5] concentrations in the EP extracts also were well below the maximum EP toxicity limits. Cadmium concentrations in the sludge, while generally below the maximum EP toxicity limit, were found to be quite variable, ranging from .06 to .37 ppm. We will require TI, as part of the exclusion, to test each batch of waste for leachable cadmium over a six-month period using the EP toxicity test prior to disposal. Each batch of waste exceeding a lechate level of .30 ppm will be considered a hazardous waste and will remain subject to all appropriate regulations under 40 C.F.R. Parts 262–267.[6] At the end of this time period, EPA will evaluate TI's data to determine whether the testing requirement should remain in effect. If TI can demonstrate that the levels of cadmium are consistently below the levels agreed to in the contingency, we will remove the testing requirement. Before this is done, however, we will make such data available for comment.

The Agency, therefore, is proposing to grant an exclusion to Texas Instruments, Incorporated's Lemmon Avenue facility in Dallas, Texas for its wastewater treatment sludge, as described in their petition.[7]

II. Imperial Clevite

A. Petition for Exclusion

Imperial Clevite, a fabricator of powder metallurgy parts, has petitioned the Agency to exclude its still bottom waste, presently listed as EPA Hazardous Waste No. F002—The following spent halogenated solvent: 1,1,2–trichloro–1,2,2–trifluoroethane and the still bottoms from the recovery of these solvents. Imperial Clevite has petitioned the Agency to exclude this waste because it does not meet the criteria for which it was listed originally.

Imperial Clevite manufactures powder metallurgy parts and uses a vacuum and pressure impregnation process to seal the parts with a liquid thermosetting epoxy resin. They use 1,1,2–trichloro–1,2,2–trifluoroethane (freon) as a cleaning agent to remove excess resin from the parts prior to heating the wire. The freon used in the cleaning process becomes saturated with spent resin and is recovered through a distillation process. The waste generated is the distillation bottoms that contains epoxy resin but also contains small amounts of freon. Imperial Clevite claims that 1,1,2–trichloro–1,2,2–trifluoroethane is the only hazardous constituent used in their process. Imperial Clevite further claims that the distillation bottom is non-hazardous due to the effectiveness of their freon recovery system.

Imperial Clevite has submitted a detailed description of its manufacturing and recovery processes as well as total

[4] This conclusion is based, in part, on recommended drinking water standards. The U.S. Public Health Service has suggested a maximum of 0.2 mg/l for cyanide (Drinking Water Standards, U.S. Public Health Service, Publication 956, 1962). Since the level of leachable cyanide in this case is within one order of magnitude of the drinking water standard the Agency believes the cyanide levels are not of regulatory concern. Since the attenuation and dilution are expected to reduce the cyanide concentration below the drinking water standard the Agency believes the level of leachable cyanide in this waste is low.

In 1980, the Agency published an Ambient Water Quality criteria for nickel of .0134 mg/l and subsequently revised this figure upward to .632 mg/l (Ambient Water Quality Criteria for Nickel, EPA 440/5–80–060, October 1980). There is still some uncertainty in this value, however, and the Agency is reevaluating these levels (see 49 FR 23286 June 5, 1984). Based on current information and evaluations, we believe that the higher level more accurately reflects the hazard posed by nickel.

In fact, recent evaluations indicate that the current level of .632 mg/l also may be too low. Given this information we feel that the potential hazard posed by wastes that leach low levels of nickel (*i.e.*, between 1 to 2 orders of magnitude of the current drinking water standard) is small. Since attenuation and dilution are expected to reduce the nickel concentration in the leachate, the Agency feels these levels are not of regulatory concern.

[5] Hexavalent chromium is listed as the constituent of concern for this waste; however, since the concentration of total chromium is low, analysis specifically for hexavalent chromium is not necessary. In addition, attenuation and dilution of leachable chromium is expected to further reduce the total chromium concentration.

[6] The level indicated above, namely 0.30 ppm, is the result of the evaluation performed by the Agency and does not necessarily have precedential significance. The Agency arrived at this level based partly on the quantity of waste generated and the plausible types of improper management; more important, this level was selected to insure that only relatively low levels (*i.e.*, levels between 1 to 2 orders of magnitude above the National Interim Primary Drinking Water Standard) of cadmium would leach from the wastes. Attenuation and dilution are expected to further reduce the cadmium concentration. The Agency believes that it is necessary to specify some value because of the variability of the cadmium concentrations in the EP extracts of Texas Instruments' sludge.

[7] TI also voluntarily submitted data on the other non-listed hazardous constituents which reasonably may be expected to be present in the waste. EPA's evaluation of this data indicates that no other hazardous constituents are present in the waste at levels of regulatory concern (see submission from TI dated October 26, 1983). EPA has made this determination based on the low levels of organics in the waste, the fact that the raw materials used by Texas Instruments in their manufacturing process do not contain any additional hazardous constituents confirms this. We believe, therefore, that this waste is non-hazardous (for all reasons) and as such should be excluded from hazardous waste control.

constituent analyses of their waste for freon. Four individual reclamation runs were made in order to produce representative samples. Cross sections were cut from a subject resin cake, through the center, to obtain a representative sample of the entire mass. Samples were obtained over a four-week period which the petitioner claims represents any variation of constituent concentration in the waste.

Imperial Clevite's freon recovery system involves vacuum distillation of the spent epoxy resin and condensation and collection of the freon for reuse. Total constituent analyses of the distillation bottoms revealed a maximum 1,1,2-trichloro-1,2,2-trifluoroethane concentration of 182 ppm in the resin.

B. Agency Analysis and Action

EPA Hazardous Waste No. F002 is listed due to the toxicity of the spent halogenated solvents. One of these solvents, 1,2,2-trichloro-1,2,2-trifluoroethane (freon), is used at Imperial Clevite's Salem facility. Imperial Clevite has demonstrated that its freon recovery system produces a non-hazardous waste. Based on the information supplied by Imperial Clevite, the Agency has accepted their claim that the samples collected are considered representative of wastes generated from their manufacturing operations. (See public docket to this proposal for a more detailed discussion on representativeness of samples.) Analyses indicate only very low concentrations of freon are present in the waste (182 ppm). This concentration is well below known toxicity levels for the compound.[8] In fact, this compound (as well as all chlorinated fluorocarbons) pose a low potential for acute adverse effects; our primary concern with these compounds is that the chlorinated fluorocarbons will volatilize and indirectly may cause skin cancer due to the depletion of stratospheric ozone. (Such depletion leads to increased damaging untraviolet light at the earth's surface.) The levels found in Imperial Clevite's waste, however, are not expected to create such problems since most of the freon is bound within the solidifed still bottoms. The Agency, therefore, is proposing to grant an exclusion to Imperial Clevite's Powder Metal Products Division facility in Salem, Indiana for the waste generated by its manufacturing process, as described in its petition.[9]

[8] Based on the Registry of Toxic Effects of Chemical Substances (1980) Toxicity Rating for Chlorodifluoromethane (freon).

[9] Imperial Clevite also voluntarily submitted data on the other non-listed hazardous constituents which reasonably may be expected to be present in the waste. EPA has determined that no other hazardous constituents are present in the waste since the raw materials used in Imperial Clevite's manufacturing process do not contain additional hazardous constituents (see submission from Imperial Clevite dated January 6, 1984). We believe, therefore, that this waste is non-hazardous (for all reasons) and, as such, should be excluded from hazardous waste control.

III. Stauffer Chemical Company

A. Petition for Exclusion

The Stauffer Chemical Company, a manufacturer of chlorine and alkali, has petitioned the Agency to exclude its brine purification muds, presently listed as EPA Hazardous Waste No. K071—Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. These muds are stored in Stauffer's brine mud pond, (Stauffer designation HWTF: 5EP-201), at its LaMoyne Plant in Axis, Alabama. Stauffer has petitioned to exclude the waste stored in its brine mud pond (HWTF: 5EP-201) because it does not meet the criteria for which it was originally listed.[10]

Stauffer's production process involves the processing of rocksalt to make purified brine. The brine then is electrolyzed in the cell system to produce chlorine, sodium hydroxide, potassium hydroxide, and hydrogen. Since the brine comes in contact with mercury in the cell system, some of the mercury exits from the brine system with the solid impurities. Stauffer claims, however, that its treatment of these solid wastes renders them non-hazardous with respect to leachable mercury.

Stauffer has submitted a description of its production process and waste treatment processes, total constituent analyses, and EP toxicity test results of the waste for mercury.

Stauffer's waste treatment process involves the separation of impurities from the brine in a saturator, sodium carbonate precipitation, clarification, and leaf filtration. The brine impurities and filter cake (reformed as brine muds) are discharged into the brine mud pond. Sampling of the brine mud consisted of dividing the pond into quadrants. One sample point in each quadrant was sampled at 0.5 foot intervals. The samples from each depth were composited for each quadrant. In quadrants I and II, samples were obtained at a maximum of 8 feet. Sampling of quadrants III and IV was limited to a depth of 3.5 feet and 1 foot, respectively, due to the solidification of the wastes. Stauffer claims that these samples are representative of wastes throughout the pond, which has accumulated brine muds for eight years.

Total constituent analyses revealed maximum mercury concentrations of 160 ppm in the brine mud. EP leachate analyses of the muds revealed maximum mercury concentrations of 0.0032 ppm. Stauffer claims that its waste treatment system reduces the leachable concentrations of mercury in its brine muds to non-hazardous levels. Further, Stauffer has installed three upgradient and three downgradient ground water monitoring wells around the pond. Mercury levels in the ground water over four calendar quarters were below detectable levels (2 ppb) and thus do not exceed the National Interim Primary Drinking Water Standard of 2 ppb, which Stauffer claims supports their conclusion that mercury is not leaching from the brine mud pond and into the ground-water.

B. Agency Analysis and Action

The constituent of concern in EPA Hazardous Waste No. K071 is mercury. Due to the severe neurotoxic effects associated with exposure to low concentrations, the Agency is concerned about the potential for significant amounts of mercury to be present in the wastes and the high volume of wastes being generated. Based on the information supplied by Stauffer, the Agency has concluded that the samples collected are representative of muds stored in the brine mud pond. (See the public docket for this proposal for a more detailed discussion of the representativeness of the samples). The Agency believes that Stauffer has submitted data for the brine muds in the mud pond which indicate that the concentration of leachable mercury has been controlled by its treatment system. This conclusion is based on the fact that while total mercury in the brine mud pond was at a maximum level of 160 ppm, the maximum level detected in the EP extract was only 3.2 ppb, a level just above the NIPDWS for mercury (2 ppb). Further evidence of the attenuation of leachable mercury is demonstrated by the nondetectable levels (< 2 ppb) of mercury found in the ground water surrounding the brine mud pond. The Agency believes that the treatment process employed by Stauffer is effective in generating a non-hazardous waste and is proposing, therefore, to grant an exclusion (on a one-time basis), to the Stauffer Chemical Company for its LeMoyne plant in Axis, Alabama for the treated brine purification muds

[10] The petition is a one-time delisting and only covers the wastes stored in the mud ponds. Brine muds currently generated still are considered hazardous and will be managed as such.

stored only in pond HWTF: 5EP-201, as described in its petition.[11]

IV. Stauffer Chemical Company

A. Petition for Exclusion

The Stauffer Chemical Company, a manufacturer of chlorine and alkali, has petitioned the Agency to exclude the treated waste generated at its St. Gabriel facility, presently listed as EPA Hazardous Waste No. K071—Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. Stauffer has petitioned to exclude this waste because it does not meet the criteria for which it was listed originally.

Stauffer's production process involves the processing of rocksalt to make purified brine. The brine then is electrolyzed in the cell system to form chlorine, sodium hydroxide, potassium hydroxide, and hydrogen. Since the brine comes in contact with mercury in the cell system and is recirculated to the brine system for saturation and purification, some of the mercury exits from the brine system with the solid impurities. Stauffer claims, however, that its proposed treatment of these solid wastes will render them non-hazardous with respect to leachable mercury.

Stauffer has submitted a description of its production process and waste treatment processes,[12] total constituent analyses, and EP toxicity test result of the waste for mercury.

Stauffer's treatment process involves vacuum filtration of the brine muds, counter-current washing to remove brine and leachable mercury, and further vacuum filtration to acheve an 85% dry solids content. The brine muds then will be discharged into a collection hopper and disposed of in sanitary landfills permitted by the Louisiana Solid Waste Management Plan. Stauffer has stated that full-scale brine mud treatment operations began in May 1984.

Total constituent analyses of the brine muds from the pilot plant revealed maximum mercury concentrations of 49.8 ppm. EP leachate analyses from pilot plant samples generated over a two-year period revealed maximum mercury concentrations of 0.024 ppm which the petitioner claims would be representative of any variation in constituent concentrations in the waste. Samples were collected from the saturation and clarification blowdowns and combined into a weekly composite sample. Each weekly sample was treated using the pilot plant system of filtration, washing and filtration to remove brine and leachable mercury as well as achieving an 85% dry solids content. Treated samples then were analyzed for mercury using the EP extraction procedure. Stauffer therefore claims that its waste treatment system will reduce the leachable concentrations of mercury in its brine muds to non-hazardous levels. To ensure proper treatment all the time, however, Stauffer also has proposed to test each batch of the brine purification muds generated at its facility using the EP toxicity test procedures. If the extract analyses reveal mercury concentrations in excess of 0.05 ppm, Stauffer will handle the waste as hazardous or retreat the waste.

B. Agency Analysis and Action

The constituent of concern in EPA Hazardous Waste No. K071 is mercury. Due to the severe neurotoxic effects associated with exposure to low concentrations, the Agency is concerned about the potential significant amounts of mercury to be present in the wastes and the high volumes of wastes being generated in Stauffer's process. Based on the information supplied by Stauffer, the Agency has concluded that the samples collected are representative of wastes generated from their manufacturing operations (see the public docket for this proposal for a more detailed discussion of the representativeness of the samples). The Agency believes that Stauffer has submitted pilot plant data which indicates that the concentration of leachable mercury can be controlled by its proposed treatment system. To assure that the level of leachable mercury is maintained at an acceptable level once the brine mud treatment system comes on-line, however, the Agency has accepted Stauffer's contingency plan which will incorporate testing of each batch of waste prior to disposal. If EP analyses indicate that the leachate level for mercury is in excess of 0.05 ppm, then the waste will be treated as hazardous and will be subject to the regulatory requirements of 40 CFR Parts 262–267.[13]

The Agency is proposing, therefore, to grant an exclusion to the Stauffer Chemical Company for its plant in St. Gabriel, Louisiana for its treated brine purification muds, as described in its petition;[14] so long as the leachate contains less than 0.5 ppm of mercury.

V. LCP Chemicals[15]

A. Petition for Exclusion

LCP Chemicals and Plastics (LCP), involved in the production of chlorine and alkali, has petitioned the Agency to exclude the following proposed treatment residues presently listed as EPA Hazardous Waste Nos.:

K071—Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used; and

K106—Wastewater treatment sludge from the mercury cell process in chlorine production.

LCP has petitioned the Agency to exclude these wastes because they do not meet the criteria for which they were initially listed.

LCP utilizes the mercury cell process in the production of chlorine and caustic soda. Saturated salt (brine) is electrolyzed by a mercury cathode which separates the salt into chlorine and caustic soda. The depleted brine then is resaturated, clarified, filtered, and reused in the electrolyzer. Since the brine comes into contact with mercury in the cell system, some of the mercury exits from the brine system with the solid impurities (this is waste K071). The

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[11] Stauffer also voluntarily submitted data on the other nonlisted hazardous constituents which reasonably may be expected to be present in the waste. EPA has determined that no other hazardous constituents are present in the waste since the raw materials used in Stauffer's manufacturing process do not contain additional hazardous constituents (see submissions, from Stauffer dated September 26, 1983). We believe, therefore, that this waste is non-hazardous (for all reasons) and, as such, should be excluded from hazardous waste control.

[12] Stauffer currently is disposing of the waste in an on-site surface impoundment.

[13] The 0.05 ppm level indicated above is the result of the evaluation performed by the Agency and also is based on Stauffer's original voluntary proposal. The level is based partly on the large quantity of waste generated and the plausible types of improper management; more importantly, this level was selected to insure that very low levels of mercury would leach from the waste. Furthermore, since attenuation and dilution are expected to further reduce the mercury concentration in the leachate, the Agency feels the 0.05 ppm level is protective of human health and the environment. The Agency believes it necessary to set a level to serve as a safeguard because of the high volume of brine muds generated annually by Stauffer's manufacturing operations and because of the severe neurotoxic effects associated with exposure to low concentrations of mercury.

[14] Stauffer also voluntarily submitted data on the other nonlisted hazardous constituents which reasonably may be expected to be present in the waste. EPA has determined that no other hazaradous constituents are present in the waste since the raw materials used in Stauffer's manufacturing process do not contain additional hazardous constitutents (see submission from Stauffer dated September 27, 1983). We believe, therefore, that this waste is non-hazardous (for all reasons) and, as such, should be excluded from hazardous waste controls.

[15] The petitioner also requested that the K071 waste already stabilized and disposed of in an on-site landfill be excluded from regulatory control. The petitioner has been notified, however, that analysis of representative samples from the landfill must be presented to the Agency before a decision regarding this material can be made. This proposal, therefore, does not apply to the stabilized material already disposed.

other waste stream (waste K106) is generated by the treatment of plant wastewater. LCP claims, however, that the treatment systems that they propose to employ renders the wastes non-hazardous with respect to leachable mercury.

LCP has petitioned the Agency to exclude the mercury-bearing wastes that would be generated from one of two separate waste treatment systems. LCP has submitted a description of its production process as well as a description of each proposed waste treatment process. In addition, they have submitted total constituent analyses and EP toxcity test results, from pilot plant studies, for the wastes from both processes for mercury and a contingency plan including continuous testing of the wastes prior to disposal. LCP has indicated that they plan to employ one of these proposed systems to treat their mercury-bearing wastes.

Treatment Process I. The first waste treatment process proposed by LCP involves the retort distillation of the waste water treatment sludges (K106 wastes) and solidification and stabilization of the brine muds (K071 wastes). LCP's existing wastewater treatment process for the K106 wastes utilizes sodium borohydride for ionic mercury reduction, membrane filtration, precipitation concentration via recirculation, decanting and drying. Under this proposal, LCP then will distill this dried waste in a retort oven for mercury recovery and landfill the solid residue (which is the waste they want excluded).

During the manufacturing process, the brine is recycled to an electrolyzer after clarification and filtration. Brine muds or sludges (K071), consisting primarily of magnesium hydroxide and calcium carbonate are generated by a clarification and filtration operation.

LCP has proposed to treat this waste (K0710 using the SolidTek System "nine," an inoroganic solidification and stabilization technology. The waste is mixed uniformly in predetermined mixing ratios with portland cement, silicate, lime, clay, and other additives. The mixture then is discharged into forms and dried indoors for two days. The blocks then are transported to an on-site landfill. The landfill is sectioned, allowing six months accumulation before capping with 1 foot clay caps which then are covered with loam and seeded. Ten grab samples of the Solid-Tek treated wastes were obtained over a ten week period as the material was discharged from the mixer into the forms using ASTM Method C127–71, Procedure 3.2.1.

Total constituent analyses of the wastewater treatment sludge (K106) from the pilot plant retort distillation process revealed a maximum mercury concentration of 10 ppm. EP toxicity analyses of the K106 sludge revealed a maximum mercury concentration in the extract of 0.0082 ppm. Samples of the retort-treated K106 waste were obtained by taking a sample from each of the three trays in the retort oven amd making a composite sample. Seven composite samples were obtained over one month in this manner.

Total constituent analyses of the SolidTek treatment K071 waste from the pilot plant revealed a maximum mercury concentration of 100 ppm. EP toxicity analyses of the K071 sludge revealed a maximum mercury concentration of 100 ppm. EP toxicity analyses of the K071 sludge revealed a maximum mercury concentration in the extract of <0.015 ppm. Multiple extraction analyses of the SolidTek treated waste also revealed the maximum extract concentrations [16] presented in Table 1.

[16] EPA has required all petitioners employing a stabilization technology to test the waste using a multiple extraction test. See 47 FR 52687, November 22, 1982.

TABLE 1

	Day—									
	1	2	3	4	5	6	7	8	9	10
Maximum Mercury extract concentration (ppm)	0.058	0.031	0.018	0.019	0.004	0.003	0.007	0.012	0.01	0.005

Treatment Process II. The second waste treatment system proposed by LCP involves sodium hydrosulfide treatment and filtration of the combined brine mud (K071 waste) and mercury-bearing wastewater treatment sludges (K106 waste). In this system, the brine muds and wastewaters from the clarifier underflow and cell house treatment system are collected in an agitated sump, treated with sodium hydrosulfide and pumped to a pressure leaf filter for filtration, the brine is returned to the electrolyzer and the filter cake is taken to an on-site landfill. Samples of the combined K071 and K106 waste were removed from the brine sludge filter as it was being opened for cleaning daily. Samples, each a full vertical cross-section, were taken at random on each of the filter leaves. These samples then were composited and treated for mercury using the EP toxicity procedure. During the course of one year, twenty composite samples were generated.

Total constituent analyses of the combined wastes (K071 and K106) treated by sodium hydrosulfide revealed a maximum mercury concentration of 65 ppm. EP toxicity test results revealed a maximum mercury concentration in the extract of 0.34[17] ppm with an average of 0.020 ppm.

In addition, LCP proposes to test each batch of waste to ensure proper treatment (no matter which treatment system is employed) using the EP toxicity test. If leachate analyses reveal mercury concentrations in excess of 0.05 ppm, LCP will handle the waste as hazardous or retreat the waste.

B. Agency Analysis and Action

The constituent of concern in EPA Hazardous Waste Nos. K071 and K106 is mercury. Due to the severe neurotoxic effects associated with exposure to low concentrations of this toxicant, the Agency is concerned with the potential for significant amounts of mercury to be present in the wastes and the high volume of wastes generated by LCP's proposed processes.

Based on the information supplied by LCP, the Agency has concluded that the samples collected from their pilot plant operations are representative (see the public docket for this proposal for a more detailed discussion of the representativeness of the samples). The Agency believes that LCP has submitted data which indicate that the concentration of leachable mercury in the SolidTek treated brine muds (EPA Hazardous Waste No. (K071) can be controlled by its treatment system. This conclusion is based on the fact that while total mercury in the treated of waste was detected at a maximum level of 100 ppm, the maximum level detected in the EP extract was only 0.015 ppm. Further, multiple extraction analysis of the SolidTek treated waste revealed an average mercury extract concentration of 0.0167 ppm.

With respect to the wastewater treatment sludge, the Agency believes that LCP also has submitted data which indicate that the concentration of leachable mercury in the residue from the retort furnace (EPA Hazardous Waste No. K106) can be controlled. Our decision is based on the fact that the maximum concentration of total mercury in the wastewater treatment sludge was low (10 ppm) and the maximum concentration of mercury in the EP extract was also very low (0.0082 ppm). Further, the residue from the retort furnace is a slag, and is expected to have a matrix of high metal binding capacity.

The Agency also feels that LCP has submitted data which indicate that the concentration of leachable mercury in its sodium hydrosulfide treated wastes (K071 and K106) can be controlled by this treatment system. This conclusion is based on the fact that while total mercury in the treated waste was detected at a maximum level of 65 ppm, the average EP extract level detected was only 0.020 ppm.

The Agency feels that the low levels of mercury found in the EP extracts of the treated wastes will undergo further attenuation and dilution to levels significantly below the National Interim Primary Drinking Waster Standard of 0.002 ppm for mercury. To ensure that the leachable level of mercury is maintained from the treated combined wastes, however, the Agency has accepted LCP's contingency plan which will require LCP to test each batch of treated waste (by the EP toxicity test) prior to disposal. If EP analysis indicates that the leachate level is in excess of 0.05 ppm, then the waste will be treated as hazardous and will be subject to the regulatory requirements of 40 CFR Parts 262–267.[18] Therefore, the Agency is proposing to grant an exclusion to LCP Chemicals and Plastics' Orrington, Maine facility, for its combined treated brine purification muds and wastewater treatment sludes, as described in its petition;[19] so long as the leachate is less than .05 ppm of mercury.

VI. Chrysler Corporation

A. Petition for Exclusion

The Chrysler Corporation (Chrysler), an automobile manufacturer, has petitioned the Agency to exclude the wastewater treatment sludges generated in the serpentine basins and lagoons at its St. Louis Assembly Plant located at Fenton, Missouri, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminium; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

[17] While his figure is considerably higher than the EP toxicity limit for mercury, LCP has provided substantial additional data which they claim supports their contention that this value should be considered as an outlier. Further, LCP has stated that this particular value was obtained from samples generated during an attempt to modify their treatment process. Since the overwhelming majority of the additional values were close to the mean (*i.e.*, 0.02 ppm) the Agency agrees with LCP and does not feel that this level is representative of the levels of leachable mercury present in the waste.

[18] The 0.05 ppm level indicated above is the result of the evaluation performed by the Agency and also is based on LCP's original voluntary proposal. This level is based partly on the large quantity of waste generated and the plausible types of improper management; more importantly this level was selected to ensure that very low levels of mercury would leach from this waste. Furthermore, since attenuation and dilution are expected to further reduce the concentration of mercury in the leachate, the Agency feels the 0.05 ppm is protective of human health and the environment. The Agency believes it necessary to set a level to serve as a safeguard because of the high volume of brine muds and wastewater treatment sludge generated annually by LCP's manufacturing operations and because of the server neurotoxic effects associated with exposure to low concentrations of mercury.

[19] LCP also voluntarily submitted data on the other non-listed hazardous constituents which reasonably may be expected to be present in the waste. EPA has determined that no other hazardous constituents are present in the waste since the raw materials used in Stauffer's manufacturing process do not contain additional hazardous constituents (see submission from LCP dated August 22, 1983). We believe, therefore, that this waste is non-hazardous (for all reasons) and, as such, should be excluded from hazardous waste control.

Chrysler has petitioned to exclude its waste because it does not meet the criteria for which it was listed originally.

The production process at Chrysler which generates the waste is the phosphating of automobile body parts. Chrysler claims that its waste treatment process is successful in generating a non-hazardous sludge with the constituents of concern present in an essentially immobile form.

Chrysler has submitted a detailed description of its manufacturing and wastewater treatment processes, total constituent analyses of their sludge for the EP toxic metals, nickel, and cyanide, and EP toxicity test results for the EP metals and nickel.[20] Samples collected from the serpentine basins represent a three month accumulation of sludge. The serpentine basins were divided into four quadrants, sections 1 through 4. Six core samples of the sludge in each section were obtained and combined to yield one composite sample characteristic of the sludge in that section of the basin. Core samples were collected from the lagoon sludges by dividing each lagoon into quadrants and collecting 6 random core samples from each quadrant. These core samples then were combined into one composite sample representing each quadrant. Chrysler claims that all these samples are representative of constituent concentrations in their wastes and that the concentrations are uniform.

Chrysler's serpentine basin wastewater treatment system utilizes pH adjustment, polymerization, precipitation, and clarification. The clarified wastewater from the basin flows to the lagoons where it mixes with sanitary sewage. In the lagoons, the wastewater is biologically treated to remove BOD and suspended solids in order to conform to NPDES requirements for discharge to the Meramac River. The maximum levels reported for both total analysis and EP leachate results are shown in Tables 1 and 2.

TABLE 1

	Maximum total constituent analysis (ppm)									
	As	Ba	Cd	Cr	Pb	Hg	Ni	Se	Ag	CN
Serpentine basin sludge	0.12	1400	0.50	220	1060	0.037	70	0.02	0.08	0.3
Lagoon sludge	0.12	326	0.44	195	320	0.57	46	0.02	0.10	1.3

TABLE 2

	Maximum leachate concentrations (mg/l) [21]							
	As	Ba	Cd	Cr	Pb	Hg	Ni	Se
Serpentine basin sludges	0.005	29	<0.01	0.15	1.9	<0.001	8.7	<0.005
Lagoon sludge	0.010	6.5	<0.01	0.08	0.14	<0.005	3.1	<0.005

[21] In this case the maximum leachable cyanide levels will be below the Agency's level of concern (see footnote 4) due to normal dilution during the EP test. Because of this, EP testing for cyanide was not necessary.

B. Agency Analysis and Action

The listed constituents of concern for Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed). Based on the information supplied by Chrysler, the Agency has concluded that the samples collected are representative of wastes generated from their manufacturing operations. (See the public docket for this proposal for a more detailed discussion of the representativeness of the samples). Chrysler has submitted sufficient evidence to demonstrate that the wastewater treatment sludge from the serpentine basin and lagoons do not leach these constituents at hazardous levels. In fact, the EP extract concentrations for cadmium are below the National Interim Primary Drinking Water Standard. Total chromium [22] and nickel leachate levels also are not of regulatory concern (see 46 FR 40158, August 6, 1981). The low leachate levels indicate that the constituents of concern are present in an essentially immobile form. Attentuation and dilution are expected to further reduce the concentrations of these metals. In addition, Chrysler substantiated their claim that cyanide is not used in their process in that only small amounts of cyanide (*i.e.*, less than 2 ppm) were found in the sludge. Since the maximum total constituent analyses levels of the

[20] Chrysler claims that cyanide is not used in any of these manufacturing processes. Further, the total concentrations of cyanide in the lagoon sludge and the serpentine sludge is less than the maximum acceptable level of cyanide in the leachate. This maximum acceptable level is based in part on the Public Health Services suggested drinking water standard for cyanide (see 46 FR 61282, December 16, 1981). Therefore, the Agency did not require Chrysler to conduct leachate testing for cyanide.

[22] See footnote 5.

treated wastes are low and the maximum EP extract levels are even lower, the Agency has concluded that Chrysler's wastewater treatment system generates a non-hazardous waste. Therefore, the Agency is proposing to grant an exclusion for Chrysler Corporation's facility located in Fenton, Missouri for the wastes generated by its electroplating process, as described in its petition.

C. Additional Information Requirements

Chrysler Corporation was asked to provide additional information on their manufacturing operation. Specifically, Chrysler was asked to provide a list of all the raw materials, intermediates by-products, and products used in their manufacturing process.[23] The Agency requested this information to determine if hazardous constituents other than those for which the waste was originally listed are present in the waste.

Chrysler has provided voluntarily a list of generic materials which they say are used in their manufacturing processes. We, however, have found this list to be inappropriate in determining whether other hazardous constituents may be present in the waste due to the presence of many trade names and unspecified materials on the list. When either the Agency amends the delisting procedures or the RCRA reauthorization amendments are passed, we will reconsider our decision to exclude this waste.

VII. Chrysler Corporation

A. Petition for Exclusion

The Chrysler Corporation (Chrysler) an automobile manufacturer, has petitioned the Agency to exclude the wastewater treatment sludges generated at its Belvidere Assembly Plant, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminium. Chrysler has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

The production process at Chrysler which generates the waste is phosphating of automobile body parts. Chrysler claims that its waste treatment process is successful in generating a non-hazardous sludge with the constituents of concern present in an essentially immobile form.

Chrysler has submitted a detailed description of its manufacturing and wastewater treatment processes, total constituent analyses of their sludge for cadmium, total chromium, nickel, and cyanide, and EP toxicity test results for the EP toxic metals and nickel.[24] Samples were collected daily for a period of one week from the filter press. To ensure that the samples were representative, the daily sample was a composite from the filter cake dumpster. Core samples also were collected from the lagoons sludges and considered representative of 9 years accumulation in the lagoons. Lagoon sludge sampling procedures consisted of dividing each of the first two lagoons into quadrants and collecting one sample from each of the quadrants. The third lagoon also was divided into quadrants and two samples from each quadrant collected and composited. The sludge samples were obtained by driving a hollow plastic tube into the sludge layer in order to procure a sample representative of the cross-sectional profile of the sludge. Chrysler claims that the sludge samples from all of the locations within each lagoon quadrant are representative and reflects the composition of the sludge in that quadrant of the lagoon.

Chrysler's wastewater treatment system utilizes equalization, aeration, air flotation, polishing, thickening, and vacuum filtration. The filter cake then is discharged to the lagoons. Total constituent analysis of the filter cake and lagoon sludge revealed the maximum concentrations presented in Table 1. Maximum EP extract concentrations for these wastes are presented in Table 2.

TABLE 1

	Maximum total constituent analysis (ppm)			
	Cr	Ni	Cd	CN
Filter cake	652	164	4	4.8
Lagoon sludges	450	590	2	7.2

TABLE 2

	Maximum leachate concentrations (mg/l)								
	As	Ba	Cd	Cr	Pb	Hg	Ni	Se	Ag
Filter cake	0.005	1.2	<0.01	0.18	0.24	<0.001	0.59	0.010	0.05
Lagoon sludges	0.010	3.3	<0.01	0.32	<0.001	<0.001	14	<0.005	0.15

B. Agency Analysis and Action

The listed constituents of concern for Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide. Based on the information supplied by Chrysler, the Agency concluded that the samples collected are representative of wastes generated from their manufacturing operations (see the public docket for this proposal for a more detailed discussion of the representativeness of the samples). Chrysler has submitted sufficient evidence to demonstrate that the wastewater treatment sludges generated as a result of their electroplating process does not leach these constituents at hazardous levels. In fact, the EP extract concentrations for cadmium are below the National Interim Primary Drinking Water Standard. Total Chromium [25] and nickel [26] leachate levels also are not of regulatory concern (see 46 FR 40158, August 6, 1981). The low leachate levels indicate that the constituents of concern are present in an essentially immobile form. Attenuation and dilution are expected to further reduce the concentrations of the waste metals. The low levels of cyanide (*i.e.*, less than 2 ppm) found in the sludge substantiate Chrysler's claim that cyanide is not used in any manufacturing operations and are not of regulatory concern. Since the maximum total constituent analyses levels of the treated wastes are low and the maximum EP extract levels are even lower, the Agency has concluded that Chrysler's wastewater treatment system generates a non-hazardous waste and

[23] As stated in our Notice of Intent to Request Additional Information in Processing Delisting Petitions, the Agency intends to amend the delisting procedures to require EPA to consider all criteria, constituents, or other related factors before making a decision (see 49 FR 4802, February 8, 1984). The pending RCRA Reauthorization Bills also would require EPA to consider these additional constituents or factors deciding whether or not to delist a waste (see Hazardous Waste Control Act of 1983, H.R. 2867, Section 13 and the Solid Waste Disposal Act Amendments of 1983, S. 757, Section 8).

[24] Chrysler claims that cyanide is not used in any of their manufacturing processes. Further, the total concentrations of cyanide indicate that cyanide concentrations in the leachate would not exceed the Agency's level of concern of 2 ppm cyanide in the leachate. This level is based in part on the Public Health Services suggested drinking water standard for cyanide (see 46 FR 61282, December 16, 1981).

[25] See footnote 5.

[26] See 46 FR 40158 (August 6, 1981).

therefore, is proposing to grant an exclusion to Chrysler Corporation's facility located in Belvidere, Illinois for the wastes generated by its electroplating process, as described in its petition.

C. Request for Additional Information

Chrysler Corporation was asked to provide additional information on their manufacturing operation. Specifically, Chrysler was asked to provide a list of all the raw materials, intermediates, by-products, and products used in their manufacturing process.[27] The Agency requested this information to determine if hazardous constituents other than those for which the waste was originally listed are present in the waste.

Chrysler has provided voluntarily a list of generic materials which they say are used in their manufacturing processes. We have found this list to be inappropriate in determining whether other hazardous constituents may be placed in the waste, however, due to the presence of many trade names and unspecified materials on the lists. When either the Agency amends the delisting procedures or the RCRA Reauthorization Amendments are passed, therefore, we will reconsider our decision to exclude this waste.

VIII. Amoco Oil Company

Amoco Oil Company (Amoco) previously involved in oil refining at its Wood River, Illinois petroleum refinery, has petitioned the Agency to exclude approximately 150 million gallons of its dissolved air flotation sludge (contained in four surge ponds) after chemical stabilization, from EPA Hazardous Waste No. K048—Dissolved air flotation (DAF) float from the petroleum refining industry.[28] Amoco claims that treating this sludge using the Chemfix® treatment technology will bind sufficiently all hazardous toxicants, including hexavalent chromium and lead, for which K048 is listed, in a non-hazardous matrix. Amoco further claims that the organic character of the waste will not affect the migration potential of the toxic heavy metals in the stabilized waste matrix. Furthermore, they claim that any hazardous organic constituents in the Chemfix® stabilized residue are present in the waste at very low, non-hazardous concentrations and also are immobilized in the stabilized waste matrix.

Amoco has provided a description of the Chemfix® treatment process to be used, a detailed sampling plan describing how representative samples were collected, and analytical test data which includes total constituent analyses (complete acid digestions) for metals, EP toxicity test results and results from the EP Toxicity Test for Oily Wastes[29] (Oily Waste EP), and Multiple Extraction Procedure (MEP) and the MEP for Oily Wastes[30] for all the EP toxic metals. Amoco also provided total oil and grease analyses, total organic carbon analyses (TOC), and total analyses for 95 specific organic contaminants.[31] A proposed quality field assurance plan also was submitted.

The Chemfix® treatment process that Amoco proposes to use was described as a stabilization process that reacts water soluble silicates with complexed cations in the presence of a silicious setting agent. A typical setting agent used in the process is Type I Portland cement which is added at a rate of 1 to 1.25 pounds per gallon of waste. Metal cations in the waste are claimed to react and become immobilized by ion exchange replacing calcium in the calcium silicate hydrates, calcium alumino silicate hydrates, and calcium hydroxides that form in the Chemfix gel. Other reagents are added (*i.e.*, sodium metasilicate) which continue to form complex silicate branched ring structures which further immobilize the toxic heavy metals present in the waste.

In addition, organics are claimed to become emulsified as a result of the shear forces encountered during pumping and mixing of the waste. Organic colloids further are claimed to be trapped physically within the microstructure of the silicate chains and lattices of the Chemfix® product matrix. Amoco also has stated that any organic not emulsified would be trapped in the microstructure of the Chemfix® product which is formed during the continued cementitious reactions which occur as the gel product sets.

The Chemfix® treatment process will occur in mobile trailers (two trailers will be used in parallel) and in a holding area.[32] Each trailer unit will pump raw waste which has been thoroughly mixed within each pond from the surge ponds at a rate of approximately 300 to 500 gallons per minute. Reagents will be mixed with the waste in the processing trailers and then the treated waste will be discharged to the holding area which will serve as a final disposal area for the waste.

The sampling plan followed by Amoco initially involved core sampling at 100 locations throughout the four surge ponds. Sampling points were determined using a 100-foot by 100-foot grid and samples were collected at each intersecting grid point. The samples then were composited by quadrant resulting

[27] See footnote 22.

[28] Amoco has previously petitioned the Agency to exclude the waste contained in these impoundments. Based on the data contained in their petition, the Agency granted a temporary exclusion to Amoco on December 16, 1981 for its dissolved air flotation (DAF) float. This decision was subsequently withdrawn on November 22, 1982 based on additional data submitted by Amoco which identified a number of "hotspots" in the ponds (*i.e.*, the levels of chromium and lead contained in the waste was much higher than those identified in the original petition (see 46 FR 61272, December 16, 1981 and 47 FR 52688, November 22, 1982). Amoco now claims that the Chemfix® technology to be used in stabilizing these wastes will yield a uniform non-hazardous treatment residue eliminating any hotspots. Hot spots are eliminated because the ponds are throughly mixed before the Chemfix® treatment.

[29] See Footnote 34 for an explanation of the Oily Waste EP.

[30] The MEP for Oily Wastes differs from the MEP in that the first extraction uses the EP Toxicity Test for Oily Wastes rather than the EP Toxicity Test. (For an explanation of the MEP, see 47 FR 52686–87, November 22, 1982).

[31] Analytical data for these organics was requested by EPA as a result of pending legislation which would amend the existing delisting regulations. (See Notice of Intent to Request Additional Information in Processing Delisting Petitions, 49 FR 4803, February, 8, 1984.)

[32] Chemifix® has shown that most of the chemical reactions involved in the treatment process occur within a few minutes of mixing the waste and reagents. The reactions that give physical stability to the final treatment residue occur over a longer period (usually 48 hours). Since the Chemfix® treatment process takes place in the trailers and in the holding area both are regulated by the conditions of the treatment permit.

in 16 composite samples. A portion of these composite samples then were combined to form half-pond composites which were treated using the Chemfix® technology.

Total digestion for metals and EP toxicity test results for metals were run on the 8 samples treated by the Chemfix® technology. The eight half-pond composite samples also were tested using the Oily Waste EP, the MEP, and the Oily Waste MEP leach test. The sixteen Chemfix® treated quarter-pond composites were tested for TOC and total oil and grease. Amoco also tested these sixteen quarter-pond composites for the presence of 95 organic toxicants as requested by EPA.

Fifteen additional core (grab) samples also were collected at EPA's request to determine the variability of single samples with respect to composites. These raw waste samples (which were not treated with the Chemfix® process) were tested for lead and total chromium for purposes of comparison with the previous composite samples tested by Amoco.

Data reported on EP metals are tabulated as follows: total content, EP toxicity test results, and Oily Waste EP are summarized in Table 1. MEP an Oily Waste MEP test results are summarized in Tables 2 and 3, respectively. TOC and total oil and grease analyses are summarized in Table 4 while specific organic toxicants are summarized in Table 5.

Amoco has also proposed a quality assurance (QA) plan which includes continuous monitoring of the mixing ratios to assure consistent treatment. The proposed QA plan by Amoco also includes the following conditions:

(1) Untreated waste samples will be collected once per hour from the surge box of the process unit. These grab samples will be combined to form a single composite for each production day. This composite will be analyzed for lead and total chromium by complete acid digestion. If either metal concentration varies from the concentration of the previous day by 100 percent or more, then a sample of the treated waste from that production day will be tested using the EP Toxicity Test.

(2) One treated sample selected at random will be collected during each production day of the first week of processing for each pond. This collection frequency will be reduced to one sample obtained every third production day for 3 weeks followed by collection of 1 sample per week for the remainder of the treatment period for each pond.

(3) The samples collected in (2) above will be divided—one portion allowed to solidify while the remaining portion will be filtered immediately. The filtered liquid will be analyzed for total chromium and lead. If greater than 4.0 mg/l for either total chromium or lead is found in the liquid then the EP Toxicity test will be run on the solidified portion. The sampling and analysis frequency will be maintained at once per day until the metals concentration in the liquid drops below 4.0 mg/l. A concentration greater than 5.0 mg/l of lead or total chromium in the liquid will require segregation and disposal as a hazardous waste of the treatment residue produced during the last 24 hour period.

TABLE 1.—TOTAL METAL CONTENT, EP TOXICITY TEST RESULTS, AND OILY WASTE EP ON HALF-POND COMPOSITES

	Chemfix treated waste					
	Total analyses (mg/Kg)		EP toxicity (mg/l)		Oily waste EP (mg/1)	
	Pb	Cr	Pb	Cr	Pb	Cr
Pond 1 (Quad 1 and 2)	1160	19	0.30	0.08	1.18	0.32
Pond 1 (Quad 3 and 4)	1200	14	.25	.19	1.18	.32
Pond 2 (Quad 1 and 2)	1050	17	.21	.10	1.03	.26
Pond 2 (Quad 3 and 4)	900	19	.22	.14	.98	.24
Pond 3 (Quad 1 and 2)	330	18	.17	.19	1.28	.20
Pond 3 (Quad 3 and 4)	420	19	.17	.09	1.06	.18
Pond 4 (Quad 1 and 2)	240	20	.14	.07	1.21	.25
Pond 4 (Quad 3 and 4)	240	18	.15	.28	1.18	.24

TABLE 2.—MULTIPLE EXTRACTION DATA

Half-pond composites		Total digestion (mg/kg) CHEMFIX® production	MEP Extraction									
Pond	Quads		1	2	3	4	5	6	7	8	9	10
			Chromium (mg/l)									
1	1 and 2	19	0.2	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1	3 and 4	14	0.1	0.4	0.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0
2	1 and 3	17	0.3	1.4	0.1	1.0	0.2	0.2	0.0	0.1	0.1	0.1
2	2 and 4	19	0.1	0.3	0.3	0.5	0.8	0.2	0.1	0.0	0.1	0.1
3	1 and 4	18	0.1	0.2	1.0	0.0	0.9	0.3	0.3	0.0	0.1	0.0
3	2 and 3	19	0.3	0.6	0.9	0.0	0.0	0.2	0.4	0.1	0.1	0.0
4	1 and 2	20	0.1	0.0	1.1	0.2	0.0	0.1	0.2	0.0	0.1	0.0
4	3 and 4	18	0.1	0.1	0.8	0.7	0.0	0.1	0.0	0.1	0.1	0.0
			Lead (mg/l)									
1	1 and 2	1160	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.4	0.0	0.0
1	3 and 4	1200	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	1 and 3	1050	0.5	0.6	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	2 and 4	900	0.5	0.3	0.3	0.0	0.0	0.0	0.0	0.2	0.0	0.0
3	1 and 4	330	0.4	0.0	0.0	0.0	0.0	0.0	0.3	0.3	0.0	0.0
3	2 and 3	420	0.6	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0
4	1 and 2	240	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0
4	3 and 4	240	0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

TABLE 3.—MULTIPLE EXTRACTION DATA INCORPORATING THE EP FOR OILY WASTES

Half-pond Composites		MEP Extraction									
Pond	Quads	1	2	3	4	5	6	7	8	9	10
		Chromium (mg/l)									
1	1 and 2	0.30	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1	3 and 4	0.31	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	1 and 3	0.23	0.05	0.03	0.02	0.00	0.00	0.00	0.00	0 00	0.00
2	2 and 4	0.22	0.04	0.02	0.02	0.00	0.00	0.00	0.00	0.00	0.00
3	1 and 4	0.09	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	2 and 3	0.10	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	1 and 2	0.18	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	3 and 4	0.18	0.03	0.00	0.00	0.00	0.00	0.00	0.0	0.00	0.00
		Lead (mg/l)									
1	1 and 2	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1	3 and 4	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	1 and 3	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	2 and 4	0.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	1 and 4	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	2 and 3	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	1 and 2	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	3 and 4	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

TABLE 4.—TOC AND TOTAL OIL AND GREASE FOR THE CHEMFIX® Treated Composites[a] [b]

	TOC (percent)	Oil and grease (percent)
Pond 1		
(Quad 1)	6.90	5.36
(Quad 2)	6.26	9.46
(Quad 3)	7.26	7.58
(Quad 4)	8.63	ND
Pond 2		
(Quad 1)	9.93	10.2
(Quad 2)	10.9	10.5
(Quad 3)	10.9	10.9
(Quad 4)	9.0	ND
Pond 3		
(Quad 1)	4.86	3.56
(Quad 2)	5.54	5.54
(Quad 3)	4.97	3.10
(Quad 4)	4.51	4.84
Pond 4		
(Quad 1)	2.64	0.61
(Quad 2)	3.34	2.76
(Quad 3)	1.78	0.80
(Quad 4)	2.43	1.37

[a] The TOC values will be approximately 15 percent less than oil and grease when the sample is comprised primarily of saturated hydrocarbons. This variation occurs because TOC measures only the organic carbon in the sample while oil and grease measures carbon and other elements (*i.e.* hydrogen).
[b] ND = Not Determined.

TABLE 5.—OTHER ORGANIC CONTAMINANTS [a] [b]

	Specific organics (ppm) [c]			
	Pond 1	Pond 2	Pond 3	Pond 4
Volatiles				
Benzene	0.2	0.7	0.6	0.4
Toluene	0.8	1.9	3.0	1.4
1,1-dichloroethylene	ND	ND	0.4	ND
Chloroform	ND	ND	ND	0.2
Non-volatiles				
Acenaphthene	10	9	ND	ND
Anthracene	2	2	ND	ND
Benz(a) anthracene	9	11	5	2
Benzo(a) pyrene	2	3	ND	ND
Chrysene	8	5	2	ND
Di-n-butylphthalate	4	3	ND	ND
Fluorene	16	21	ND	ND
Naphthalene	35	62	ND	ND
Phenanthrene	48	55	11	5
Pyrene	16	19	5	3
Phenols	7.5	5.3	4.8	2.8
Cresols	7.5	7.1	7.5	15

[a] As already indicated, Amoco has supplied voluntarily analytical data for the 95 organic compounds on 16 samples analyzed. This table presents all these organics that appeared in detectable concentrations.
[b] ND = Not Detected. The detection limits was 0.2 ppm for volatiles, 2.0 ppm for non-volatiles, 1.0 ppm for phenols, and 2.0 ppm for cresols.
[c] Maximum concentration reported from 16 quarter pond composites.

(4) All EP extracts exceeding 2.0 mg/l in (3) above will require that the sampling and analysis frequency be increased to once per production day until the metal extract concentration drops to 2.0 mg/l. A metal concentration equal to or greater than 5.0 mg/l will require that this portion of treatment residue be disposed of as a hazardous waste.

(5) Any Chemfix® material not solidified within 48 hours after discharge will be disposed of as a hazardous waste.[33]

(6) One half of each field sample will be archived.

B. Agency Analysis and Action

The Agency has reviewed Amoco's sampling scheme and was concerned initially about the representativeness of the samples that were collected from the waste in the four surge ponds (*i.e.*, did the samples indicate the variation in constituent concentration that is present in the waste). As a result, Amoco collected fifteen additional core samples at prescribed points (that were identified by the Agency) and analyzed these samples for lead and total chromium content (see petition addendum dated August 9, 1983. These additional samples showed no higher concentrations of either metal than samples taken and analyzed from the original sampling scheme. The Agency therefore believes that the sampling protocol (*i.e.*, composite samples) used by Amoco was appropriate and the samples collected are representative of the waste contained in the surge ponds.

The Agency also has reviewed the analytical data provided by Amoco. These data appear to demonstrate the non-hazardous nature of the Chemfix® treated waste. In particular, the extract results from conducting the Oily Waste EP indicates that total chromium [34] and lead are well below the maximum EP toxicity limits.[35] These results appear to demonstrate the success of the Chemfix® treatment process in immobilizing the toxic heavy metals.

Amoco also submitted additional leachate data by conducting the MEP [36] and the Oily Waste MEP.[37] All extract concentrations for total chromium and lead are well below the maxium acceptable Extraction Procedure leachate levels in the initial extraction while subsequent extractions show negligible concentrations of both metals. This data therefore indicates that the Chemfix® treatment residue is stable, posing no potential leachate problems over the long-term.

Analyses for TOC also were submitted to assist the Agency in determining the present organic content in the waste and to provide further information on the make-up of the organic character (*i.e.*, whether volatiles or semi-volatile organics are present in the waste). In Amoco's waste, the TOC content is very similar to total oil and grease; therefore, the presence of high concentrations of toxic organic compounds, aside from the polynuclear aromatic contaminants, is unlikely. Further characterization of the hydrocarbon content confirmed this point (see Section C.—Additional Agency Concerns).

Therefore, based on all this data, the Agency is compelled to agree with

[33] Amoco has indicated that the Chemfix treatment residue generated each day will be identified as a distinct layer in the holding area.

[34] See footnote 5.

[35] The EP toxicity test has been claimed by State agencies and environmental groups to be inappropriate to predict metal mobility in oily type wastes. More specifically, they argue that the toxic metal in the waste actually may leach at higher concentrations than those predicted by the EP after the oily fraction of the waste degrades. They also argue that although the oil may act as a solid in the EP test, in reality it could act as a liquid in a land disposal scenario, again underestimating the leaching potential of toxic heavy metals.

As a result, the Agency has decided not to use the results from the EP toxicity test to determine the migratory potential of metals from oily wastes. Rather, the Agency has developed the Oily Waste EP; this leachate test will be required on all wastes which contain greater than one percent oil. Since representative samples of Amoco's waste contain oil and grease in the three to ten percent range, the Oily Waste EP was preformed on the Chemfix® treated waste. The test methodology is as follows:

1. Separate the sample (minimum 100 gm) into its solid and liquid components. The liquid component is defined as that portion of the sample which passes through a 0.45 um filter media under a pressure differential of 75 psi.

2. Determine the quantity of liquid (ml) and the concentration of the toxicants of concern in the liquid phase (mg/l).

3. Place the solid phase into a Soxhlet extractor, charge the concentration flask with tetrahydrofuran and extract for 3 hours.

4. Remove the flask containing tetrahydrofuran and replace it with one containing toluene.

5. Extract the solid for a second time, for 3 hours, with the toluene.

6. Combine the tetrahydrofuran and toluene extracts.

7. Analyze the combined extracts for the toxicants of concern.

8. Determine the quantity of liquid (ml) and the concentration of the toxicants of concern in the combined extracts (mg/l).

9. Take the solid material remaining in the Soxhlet thimble and dry it at 100 °C for 30 minutes.

10. Run the EP on the dried solid.

11. Calculate the mobile metal concentration (MMC) using the following formula:

$$MMC = 1000\,[Q_1 + Q_2 + Q_3]/[L_1 + L_2].$$

Q_1 = Amount of toxicant in initial liquid phase of sample (amount of liquid x concentratration of toxicant) (mg).

Q_2 = Amount of toxicant in combined organic extracts of sample (amount of liquid x concentration of toxicant) (mg).

Q_3 = Amount of toxicant in EP extract of solid (amount of extract x concentration of toxicant) (mg).

L_1 = Amount of initial liquid (ml).

L_2 = Amount of liquid in EP = weight of dried solid from step 9x20 (ml).

[36] Although the Agency has similar concerns in using the MEP to predict the mobility of toxic metals in oily wastes, we believe this test should be evaluated and considered in light of the multiple extractions that are conducted. The Agency solicits comments, however, on the appropriateness of this test in measuring metal mobility.

[37] The MEP and Oily Waste MEP were run on samples which were ground to 100 mesh in order to consider the effects of weathering (see 47 *FR* 52687, November 22, 1982).

Amoco that the Chemfix® treatment process is successful in treating their DAF float by immobilizing the toxic heavy metals, lead and hexavalent chromium (*i.e.*, the constituents of concern for this waste). It shoud be noted, however, that the Agency still has concerns regarding the organic content of the waste, and what impact, if any, it would have on the long-term stability of the metals.[38] In fact, previous decisions regarding stabilized treatment residues set a maximum limitation of 0.1 percent (1000 ppm) TOC allowable in the stabilized treatement residue.[39] The data provided by Amoco appears to indicate that the high organic character of the waste will have little or no effect on the stability of the metals in the waste. More specifically:

- The Oily Waste EP indicates that only small concentrations of the toxic heavy metals are present in the oily (or liquid) fraction of the waste; therefore, even if this fraction was totally mobile the potential for metal concentration available for groundwater contamination is negligible;
- The Oily Waste EP also seems to indicate that the oil fraction of the waste does not act as a binder for the metals since even after removal of the oil fraction, the metals still are essentially immobilized in the solid fraction of the waste;
- The Oily Waste MEP (and the MEP to some extent) indicate that over the long-term, if the oily or liquid) fraction degraded and separated from the waste matrix, the metals contained in the solid fraction still would be essentially immobilized.

In addition, since the waste is relatively homogeneous, the organic character of the waste has been determined (both quantitatively and qualitatively), and the mobility test data indicates a very low migration potential of the toxic heavy metals, the Agency believes that the specific organics identified in Amoco's waste will not affect the stability of the toxic heavy metals.[40] To address any remaining doubt, however, the Agency has conditioned the proposed exclusion for the Chemfix® treated waste to assure that metal stabilization occurs (see below), and has modified Amoco's QA field (contingency) plan as follows:

(1) Mixing ratios should be monitored continuously to assure consistent treatment, and not vary outside the limits presented by Amoco's demonstration samples.

(2) One grab sample should be taken each hour of the treatment residue as it is pumped to a holding area from the trailer unit. At the end of each production day, the grab samples from the individual trailer unit will be composited and EP toxicity tests will be run on the two composite samples. (Since the results obtained using the EP toxicity test correlate with the results obtained from running the Oily Waste EP, the Agency will allow Amoco to use the EP toxicity test in testing their wates.) If lead or hexavalent chromium exceed 0.5 ppm in the extract, the waste will be removed and retreated or disposed of as a hazardous waste.[41]

(3) The treatment residue must be pumped into removable molds in the holding area to assure that the treatment residue generated over each production day solidifies in a finite area that can be identified and removed if necessary (*i.e.*, if conditions 1 or 2 are not met).[42]

The Agency, therefore, believes that Amoco has successfully demonstrated that the waste contained in its four surge ponds can be successfully stabilized by the Chemfix® process producing a non-hazardous treatment residue with respect to the listed constituents for EPA Hazardous Waste No. K048 (*i.e.*, hexavalent chromium and lead). Therefore, we are proposing to grant an exclusion (on a one-time basis) to the Amoco Oil Company's Wood River facility for the Chemfix®-stabilized treatment residue generated from the petroleum refining wastes contained in the four on-site surge ponds when tested as indicated in the field QA plan described in their petition, as amended above.

C. Additional Agency Concerns

Since this petition may be decided ultimately under substantive standards contained in pending legislation, (see fn 2, *supra*), or regulatory amendments to exclusion procedures, we also requested Amoco to provide additional information regarding the sludge in the surge ponds. They provided (on a voluntary basis) additional data for 95 organic contaminants[43] on the 16 quadrant composite samples analyzed. The maximum concentrations found in each pond for constituent found in detectable concentrations are summarized in Table 5. In reviewing this data, the Agency became concerned about concentrations of certain polynuclear aromatic compounds (PNAs) in the waste. In particular, the Agency is concered with the concentrations of benz(a)anthracene, chrysene, flourene, naphthalene, phenanthrene, and pyrene. The Agency concerns are directed towards the total quantity of these PNAs in the treated waste. (While the individual concentations of these constituents are relatively low, the total quantity of PNAs disposed at this site may exceed 30 tons). A specific action level for the combined concentration of PNAs (*e.g.*, acenaphthene, benz(a)anthracene, pyrene, phenanthrene, nepthalene, etc.) and any possible synergistic effects cannot be determined yet. The Agency

[38] The Agency also has concerns about the presence of toxic organic contaminants in the waste and the potential for these contaminants to create a substantial hazard to human health and the environment (see Section C.—Additional Agency Concerns for a more detailed discussion).

[39] See 47 FR 52681, November 22, 1982.

[40] This situation (i.e., characterization of the organic character) is not normally the case with commercial waste treatment facilities which accept wastes from a multitude of clients and processes. In that case, the organic content of the waste is more likely to vary (both qualitatively and quantitatively) which could impact the Stability of the metals. Therefore, before the Agency would be comfortable in characterizing the organic character of wastes from commercial waste treatment facilities, data over a very long time period would need to be submitted for evaluation.

[41] The 0.5 ppm level indicated above is the result of the evaluation performed by the Agency and does not necessarily have precedential significance. This level was arrived at based in part on National Interim Primary Drinking Water Standards and by recognizing that waste leachates generally undergo attenuation and dilution in the environment. While the Agency has not yet determined the magnitude of these effects as applied to delistings the Agency believes it necessary to specify some value in light of Amoco's present uncertainty as to the limitations of its process. In addition, a safeguard is necessary in light of the high volume of toxic constituents in the incoming wastes and in the treatment residue.

[42] The Agency believes this condition is necessary to insure that the waste processed on any particular day is identifiable in the event that removal or retreatment is necessary. Amoco has indicated that the Chemfix® treatment residue generated each day will be identifiable as a distinct layer in the holding area. The Agency is not convinced, however, that this can be done so as to insure that all of the treatment residue generated during a particular day can be retrieved. The Agency, therefore, is requiring Amoco to place the treatment residue into removable molds until Amoco can verify that the other conditions of the exclusion are met.

[43] Analytical data on these organic contaminants was requested since these organics have been identified as contaminants which reasonably may be expected to appear in petroleum refining wastes.

will investigate whether these levels are of environmental concern and whether to add these toxicants as a basis for listing this waste (*i.e.*, if improperly managed, will significant concentrations of these toxicants migrate into the environment). We also will evaluate other materials that commonly contain PNAs (*i.e.*, fly ash and sewage sludge) to determine what levels might serve as a baseline for future assessments. The Agency, therefore, solicits comments on these levls and any information that is available regarding the concentrations of these toxicants found in the environment.

Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's listed hazardous wastes, thereby enabling the facility to treat its waste as non-hazardous waste regulations. This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available in the public docket for this rulemaking.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities. this regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: September 17, 1984.

Lee M. Thomas,

Assistant Administrator for Solid Waste and Emergency Response.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In Appendix XI, add the following waste streams in alphabetical order:

Appendix XI—Waste Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
(a) Wastes excluded from non-specific sources:		
Chrysler Corp.	Fenton, MO	Wastewater treatment sludge (EPA Hazardous Waste No. F006) generated from electroplating operations after [insert date of publication] as well as those disposed in an on-site sepertine basin system and on-site lagoons on or before this date.
Chrysler Corp.	Belvidere, IL	Wastewater treatment sludge (EPA Hazardous Waste No. F006) generated from electroplating operations after [insert date of publication] as well as those disposed in an on-site lagoons on or before this date.
Imperial Clevite.	Salem, IN	Solid resin cakes containing EPA Hazardous Waste No. F002 generated after [insert date of publication] from solvent recovery operations.
Texas Instruments Inc.	Dallas, TX	Wastewater treatment sludges (EPA Hazardous Waste Nos. F006 and F019) generated after [insert date of publication] from their electroplating operations that have been batch tested for cadmium using the EP toxicity procedure and have been found to contain less than 0.30 ppm cadmium in the EP extract.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
Amoco Oil Co.	Wood River, IL	150 million gallons of DAF float from petroleum refining contained in four surge ponds on [insert date of publication] after treatment with Chemfix stabilization process. This exclusion only applies to the 150 million gallons of waste as long as the mixing ratios of reagents with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples;

[FR Doc. 84-27407 Filed 10-22-84; 8:45 am]

BILLING CODE 6560-05-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

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

Amendment; Concerning the Exemptions for Controlling the Interference Potential of Computers and Similar Electronic Equipment; Order extending time for filing comments and reply comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: On August 21, 1984, the Commission released a Notice of Proposed Rulemaking in General Docket 84–801, proposing to amend the exemptions in Subpart J of Part 15 of the Commission's Rules for controlling the interference potential of computers and similar electronic equipment. The Computer and Business Equipment Manufacturers Association has requested an extension of the dates by which comments and reply comments on the proposal must be submitted. The subject Order extends the time for comments and replies. This action is necessary in order to obtain the most definitives responses possible. The intended effect of this action is to allow more time for comments.

DATES: Comments on the proposal in Docket 84–801 must be submitted on or before November 21, 1984, and reply comments on or before December 11, 1984.

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

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

SUPPLEMENTARY INFORMATION:

Order Extending Time To File Comments

In the matter of amendment of the exemptions in Subpart J of Part 15 of the Commission rules for controlling the interference potential of computers and similar electronic equipment; Gen. Docket No. 84–801; RM–4246 (8–30–84; 49 FR 34370).

Adopted: October 15, 1984.
Released: October 17, 1984.
By the Chief Scientist:

1. On August 21, 1984, the Commission released a Notice of Proposed Rulemaking in the above entitled matter. Comments on the proposal were required to be filed on or before October 5, 1984, and reply comments on or before October 22, 1984. The Computer and Business Manufacturers Association (CBEMA) on September 26, 1984, filed a Motion for Extension of Time, requesting extension of the comment deadline to December 17, 1984, and extension of the reply comment deadline to February 1, 1985. CBEMA is a trade association of manufacturers and vendors of data processing and office equipment, some of which are directly affected by the subject proceeding. CBEMA states that it possesses substantial expertise which would be useful in establishing a complete record in this proceeding. CBEMA also states that, because of the dispersed geographic locations of its members and prior commitments of its member companies, it will not be able to file comments by the appointed deadline.

2. On October 4, 1984, Cray Research, Inc. and Denelcor, Inc., filed a Joint Opposition to Motion for Extension of Time. Cray and Denelcor, manufacturers of computer equipment, explain that, until such time as the Commission establishes the exemption contemplated in this proceeding, they will incur substantial costs for continued compliance with the FCC Rules Part 15, Subpart J. They believe that CBEMA has not provided adequate justification for an extension of time, and consequently, Cray and Denelcor are opposed to CBEMA's Motion. CBEMA responded on October 9, 1984, asserting that what should weigh most heavily is that the public interest would best be served by a complete record on the issues that have been raised.

3. Because of the importance of this proceeding to both manufacturers and consumers, the technical nature of the proceeding, and the Commission's desire to have the most definitive responses possible, we are granting an extension of time to file comments and replies. However, in light of the comments of Cray and Denelcor, and the lack of sufficient specificity with regard to the need for the additional time requested by CBEMA, we are not persuaded that the total length of time requested is warranted. Consequently, pursuant to the authority granted by § 0.241(d) of the Commission's Rules, the deadline for filing Comments is hereby ordered extended to November 21, 1984, and the deadline for filing Reply Comments is extended to December 11, 1984.

Robert S. Powers,
Chief Scientist.

[FR Doc. 84–27900 Filed 10–22–84; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Parts 15 and 90

[Gen. Docket No. 81–413]

Authorization of Spread Spectrum and Other Wideband Emissions Not Presently Provided for in the FCC Rules and Regulations; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The Federal Communications Commission has extended the time limit for reply comments in Docket 81–413, concerning the authorization of spread spectrum and other wideband emissions not presently provided for in the Commission's Rules. This action is taken at the request of Del Norte Technology.

DATES: Reply comments are now due by October 26, 1984.

ADDRESS: Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Marcus, Office of Science & Technology, 2025 M Street, NW., Washington, D.C. 20554, (202) 632–7040.

SUPPLEMENTARY INFORMATION:

Order Extending Time To File Reply Comments

In the matter of authorization of spread spectrum and other wideband emissions not presently provided for in the FCC rules and regulations; Gen. Docket No. 81–413 (5–24–84; 49 FR 21951).

Adopted: October 9, 1984.
Released: October 11, 1984.
By the Chief Scientist.

1. On May 21, 1984, the Commission released a Further Notice of Inquiry and Notice of Proposed Rulemaking in the above entitled matter. Del Norte Technology ("Del Norte"), through its attorney, filed a motion on October 5, 1984, to extend the time for filing reply comments in the subject rule making from October 12, 1984, to October 26, 1984.

2. Del Norte states that due to the unusually complex nature of the subject matter and the volume of comments filed in this proceeding, additional time in which to file comments is necessary. An extension would permit Del Norte adequate time to analyze the filing of the parties and prepare a substantive response.

3. Because of the technical nature of this proceeding, and the Commission's desire to have the most definitive responses possible, the reply comment date is hereby extended to October 26, 1984. This action is taken under the authority delegated to the Chief Scientist by § 0.241(d) of the Commission's Rules.

Robert S. Powers,
Chief Scientist.

FR Doc. 84–27901 Filed 10–22–84; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 17

Special Rule on the American Alligator

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes the following changes to 50 CFR 17.42(a) dealing with commercial activities with the hides, meat, and other parts of lawfully taken American alligators (*Alligator mississippiensis*): (1) Delete the requirements that State-licensed alligator farmers also obtain a Federal Alligator Farmer Permit; (2) allow the export of meat and other parts such as skulls and teeth; (3) improvements to the hide tagging system; and (4) deletion of a redundant requirement.

DATE: Comments on ths proposal must be received by November 23, 1984.

ADDRESSES: Please address correspondence to: U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. Information received subsequent to this notice is available for review by appointment during regular workdays between the hours of 8:00 a.m. to 4:00 p.m., in Room 601, 1000 North Glebe Road, Arlington, Virginia 703/235–1903.

FOR FURTHER INFORMATION CONTACT: Mr. Larry LaRochelle, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235–1903).

SUPPLEMENTARY INFORMATION:

Background

The population density of the American alligators (*Alligator mississippiensis*) in the United States varies in the Southeast. Its range includes all or parts of the States of Alabama, Arkansas, Georgia, Florida Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.

The American alligator was first classified as Endangered throughout its range in 1967 because unchecked commercial exploitation had substantially reduced its numbers. Subsequently, in response to strict Federal and State protection, the alligator recovered rapidly in many parts of its range. Its recovery then enabled the Service to undertake the following actions: (1) Reclassification to Threatened due to Similarity of Appearance [T(s/a)] in three coastal parishes of Louisiana that reflected complete recovery, and establishment of Special Rule 50 CFR 17.42(a) allowing closely regulated commercial activity with lawfully taken hides only (September 26, 1975—40 FR 44412); (2) reclassification to Threatened that reflected partial recovery in all of Florida and certain coastal areas of Georgia, Louisiana, South Carolina and Texas (January 10, 1977—42 FR 2071); (3) reclassification to Threatened due to Similarity of Appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 37132); (4) deletion of the permit requirement for fabricators of alligator leather products from lawfully taken alligators and allowing the sale of meat and parts in accordance with the laws and regulations of, (a) the State in which the taking occurs, and (b) the State in which the sale occurs (November 25, 1980—45 FR 78153); and (5) reclassification to Threatened due to Similarity of Appearance throughout the States of Louisiana (August 10, 1981—46 FR 40664) and Texas (October 12, 1983—48 FR 46332) reflecting complete recovery of the species in those states.

The purpose of this Special Rule, which first became effective on September 26, 1975 (40 FR 44412), is to allow closely regulated commercial activity in lawfully taken American alligator hides, hide products, meat and other parts. This rule allows the sale of commercially valuable products from animals that are killed because they are nuisance animals, constitute a threat to human safety or are taken on hunts managed by the various States in areas where they are listed as T(s/a).

Alligators raised on farms are also a source of meat, hides, and parts. The two States, Florida and Louisiana, that now have producing farms, require farms to be licensed and subject to various levels of supervision and standards. In addition, killing the animals for marketing now requires a Federal Alligator Farmer Permit. This is, quite simply, a permit allowing State-licensed alligator farmers to kill their animals. Killing an American alligator is prohibited under 50 CFR 17.42(a)(2)(i), except as permitted under 50 CFR 17.42(a)(3), and requires that hides enter the closed system of holders of Federal Buyer/Tanner permits. Although called an Alligator Farmer Permit, the Service has had nothing to do with regulating alligator farming per se. Federal Alligator Farmer Permits have only been issued by the Service to parties approved by the States. Federal permittees are required, by the terms of their permits, to keep records of their activities and to provide reports to the Service yearly.

Harvesting of surplus wild animals is closely managed by each State, which requires a special license for hunters and hide and meat dealers. A serially unique, numbered tag is attached to each hide by the State and certain biological data are taken. Formerly, hides entered commerce through a "closed system" of Federal permit holders including Buyers, Tanners, and Fabricators who could only buy and sell among themselves until a finished product, marketed by a special Service label, was produced and offered for sale.

As the managing State and Federal entities, permittees, the alligator industry, and the public at large gained experience and confidence in these systems, and the biological condition of the alligator population became better known, it became apparent that certain restrictive measures were no longer necessary to provide for the conservation of the alligator. Accordingly, various prohibitions were deleted, and the biological status of several populations was further reviewed. Now, the entire State of Louisiana is under a State-managed harvest program. The State of Florida has an experimental harvest program on a small segment of its population as well as a closely managed nuisance animal control program.

Further, in recognition of its improved biological status, the alligator, which was listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1975 and thereby precluded from international trade, was moved to Appendix II by consensus of the Parties in 1979 (44 FR 25840, May 1, 1979). An Appendix II listing allows controlled export from States whose biological and management programs have been approved by the Service's CITES Office of the Scientific Authority and Management Authority respectively under authority of 50 CFR Part 23, Endangered Species Convention. Program requirements relative to hides are familiar to the States involved. Requirements relative to meat and parts will be developed by the Service's Scientific and Management Authorities in the same manner that hide requirements were developed, that is, through detailed contracts with the States and notices of proposed and final rules in the Federal Register.

Beginning October 12, 1979 (44 FR 59080), the export, reexport and import of hides or hide products only (both belly and hornback hides) was allowed. Foreign parties were allowed to obtain Buyer, Tanner, or Fabricator permits. The sale of meat and other parts was allowed only within the State where the animal was taken.

On November 25, 1980 (45 FR 78153), the Service published a final rule under the Endangered Species Act (1) deleting the need for fabricators of products made from the leather of American alligators to obtain Federal Fabricator permits and (2) allowing the sale of meat and parts to take place nationwide in accordance with State laws.

On July 16, 1982 (47 FR 31024), the Service published an Advance Notice of Proposed Rule under the ESA inviting all parties to comment on (1) the need to continue the prohibition on the export of meat and parts, (2) the need for serially numbering each tag applied to hides by State conservation agencies, (3) the need for a Federal permit to kill farm-raised alligators held in accordance with State laws, (4) recordkeeping and reports required of permittees and the use of that data by State and Federal

conservation agencies, and (5) any other pertinent comments.

Summary and Analysis of Comments and Actions Taken

The Advance Notice of Proposed Rule invited comments for 30 days ending August 16, 1982. Comments were received from the Louisiana Department of Wildlife and Fisheries, Florida Game and Freshwater Fish Commission, and the National Alligator Association.

Comments received favored allowing the export of meat and parts and requiring States to continue to apply serially numbered tags to each hide. Louisiana suggested that the requirement that "The tag number, length of skin, type of skin (whether belly or hornback) and date and place of the specimens taking are recorded by the State" (50 CFR 17.4(a)(2)(i)(C)(4)) be replaced by a requirement that "the State maintain records on individual tag numbers assigned to hunters, the place (area) where the tags are assigned and information relative to the number of tags filled by each hunter." Another issue concerned the tags themselves. That is: (1) That tags should be strong enough not be be easily broken in normal use, (2) that the material be durable enough to retian the information stamped on them (a permanent material), and (3) that tags cannot be opened, once closed, and used again. These criteria have been incorporated into this proposed rule at 50 CFR 17.42(a)(2)(i)(C)(*3*). Toward this end, the Service has extensively researched tags and materials available from various sources and is now making tags meeting its criteria available to States at cost. Accordingly, references to "—a noncorrodible, serially numbered tag which identifies the State where the taking occurs;" (50 CFR 17.42(a)(2)(i)(C)(*3*)) have been replaced in this proposed rule by the new criteria described above. Other comments favored deleting the requirement that State-licensed alligator farmers obtain a Federal permit to kill their alligators, and urged minimal recordkeeping. There were no other comments. All comments received were in concert with the Service's experience and intent and have been considered in this proposed rule.

Additionally, the Service proposes to remove the requirement found at § 17.42(a)(2)(i)(D) (*1*) through (*5*) concerning conditions upon the sale of hides, meat or parts of American alligators taken by Federal or State officials because it is redundant (identical) to that found at § 17.42(a)(2)(i)(C) (*1*) through (*5*) concerning conditions upon others dealing with those items, and defer to this latter requirement.

Public Comments Solicited

The Service intends that the rule finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions for 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. Final promulgation of regulations will take into consideration the comments and any additional information received by the Service; such communications may lead it to adopt final regulations differing from those of this proposal.

National Environmental Policys Act (NEPA)

A draft Environmental Assessment under NEPA has been prepared and is available to the public at the Federal Wildlife Permit Office at the address listed above. A decision will be made prior to the issuance of a final rule on whether the preparation of an Environmental Impact Statement is required for this action. Further information on this matter is hereby solicited.

Note.—The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291. Further, the Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. Thsi determination is based on the fact that the rule will involve only minimal costs, i.e., the continued cost of permits for small entities, while providing for less reporting requirements and simplifying permit administration. The information collection requirements associated with fish and wildlife permits covered by this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018–0022.

Author: The author of this proposal is Larry LaRochelle, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240 (703/235–1903).

List of Subjects

50 CFR Part 13

Administrative practice and procedures.

50 CFR Part 17

Endangered and threatened wildlife, fish, marine mammals, plants (agriculture).

Regulation Promulgation

Accordingly, the Service proposes to amend Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 13—[AMENDED]

1. The authority citation for Part 13 reads as follows:

Authority: 18 U.S.C. 42; sec. 4, Pub. L. 97–79, 95 Stat. 1074 (16 U.S.C. 3373); sec. 7, Pub. L. 97–79, 95 Stat. 1078 (16 U.S.C. 3376); sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712); sec. 2, 54 Stat. 251, as amended by sec. 9, Pub. L. 95–616, 92 Stat. 3114 (16 U.S.C. 668a); sec. 102, 76 Stat. 73 (19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States"; sec. 9(d), Pub. L. 93–205, 87 Stat. 893 (16 U.S.C. 1538(d); sec. 6(a)(1), Pub. L. 96–159, 93 Stat. 1228 (16 U.S.C. 1537a); E.O. 11911, 41 FR 15683, 3 CFR, 1976 comp., p. 112; sec. 10, Pub. L. 93–205, 87 Stat. 896, as amended by secs. 2 and 3, Pub. L. 94–359, 90 Stat. 3760; sec. 7, Pub. L. 96–359, 90 Stat. 911 and 912; sec. 5, Pub. L. 95–632, 92 Stat, 3760; sec. 7, Pub. L. 96–159, 93 Stat. 1230 (16 U.S.C. 1539); sec. 11, Pub. L. 93–205, 87 Stat. 897, as amended by sec. 6(4), Pub. L. 95–632, 92 Stat. 3761 (16 U.S.C. 1540(b)(2)(f); sec. 13(d), 86 Stat. 905, amending 85 Stat. 480 (16 U.S.C. 742j–1); Title I sec. 122, Pub. L. 92–522, 86 Stat. 1042, as amended by Title II, sec. 201(e), Pub. L. 96–470, 94 Stat. 2241 (16 U.S.C. 1382); 65 Stat. 290 (31 U.S.C. 483(a)).

PART 13—GENERAL PERMIT PROCEDURES

§ 13.12 [Amended]

2. Amend § 13.12(b) by deleting "American alligator—American alligator in captivity . . . 17.42(a)" from the list of permits.

PART 17—[AMENDED]

3. 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.*).

§ 17.42 [Amended]

4. Revise § 17.42(a)(2)(i)(C) introductory test and (a)(2)(i)(C)(*3*) to read as follows:

(C) Any person may take an American alligator in the wild wherever listed under § 17.11 at Threatened—Similarity of Appearance [T(s/a)], or one which was born in captivity or lawfully place in captivity, in accordance with the laws and regulations of the State of taking, subject to the following conditions:

* * * * *

(*3*) The State of taking requires:

(*1*) Hides to be tagged by State officials, or under State supervision, with a Service-approved tag, a sample of which must be on file in the Federal Wildlife Permit Office (FWPO) that:

(*A*) Is made of permanent material;

(*B*) Shows State of origin, year of take, species, and is serially unique; and

(*C*) Cannot be opened and reused once attached to the hide.

* * * * *

§ 17.42 [Amended]

5. Delete § (a)(2)(i)(C)(*4*).

6. Renumber § 17.42(a)(2)(i)(C)(*5*) as § 17.42(a)(2)(i)(C)(*4*).

7. Revise § 17.42(a)(2)(i)(D) to read as follows:

(D) When an American alligator is taken by State or Federal officials in accordance with paragraphs (a)(2)(i) (A) or (B) of this section, the hide, meat, and other parts may be sold or tansferred by their respective agencies, subject to the conditions of paragraphs (a)(2)(i)(C)(*1*)–(*4*) of this section.

8. Revise § 17.42(a)(2)(iii) to read as follows:

(iii) Import or Export. No person may import or export any American alligator, except that hides, manufactured products, meat or other parts meeting the requirements of paragraphs (a)(2)(i)(C) may be imported or exported in accordance with Part 23 of this chapter.

9. Revise § 17.42(a)(2)(iv)(B) to read as follows:

(B) Any meat or other part, except the hide, from a lawfully taken American alligator which is sold or otherwise transferred in accordance with paragraphs (a)(2)(i)(C)(*2*), (*3*) and (*4*) of this section and the laws and regulations of the State of taking and the State in which the sale or transfer occurs may be delivered, received, carried, transported, or shipped in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, and may be sold or offered for sale in interstate or foreign commerce and may be exported in accordance with Part 23 of this chapter.

10. Remove § 17.42(a)(3)(iv).

Dated: September 25, 1984.

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–27784 Filed 10–22–84; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 49, No. 206
Tuesday, October 23, 1984

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

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Import Limitation; Country of Origin Quota Adjustment

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of Country of Origin Adjustment for Certain Chocolate Crumb from the United Kingdom.

SUMMARY: Presidential Proclamation No. 4708 of December 11, 1979 (44 FR 72069), amended Headnote 3(a) of Part 3 of the Appendix to the Tariff Schedules of the United States to permit the Secratary of Agriculture to make country of origin adjustments for unlicensed quotas that will not be filled by the country of origin listed opposite the quota. This notice implements such an adjustment with respect to 4,400,000 pounds of the 7,450,000 pound quota quantity assigned to the United Kingdom for chocolate crumb containing over 5.5 percent by weight of butterfat.

EFFECTIVE DATE: October 26, 1984.

FOR FURTHER INFORMATION CONTACT: Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agriculture Service, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250 or telephone at (202) 447–5270.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be "nonmajor" since it will not have any of the significant effects specified in those documents. Furthermore, to the extent, if any, that the provisions of the Regulatory Flexibility Act (5 U.S.C. 601) apply to this notice, the Administrator, Foreign Agricultural Service, hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. The adjustment of the country of origin form which a quantity of the quota item specified herein may be entered does not affect the ability of importers to import this quota item, but only expands the number of countries from which the item may be imported. Also, since this action is being taken in recognition of changes in the market which have already occurred, this action will not cause any new economic impact.

An assessment of the impact of this rule on the environment was made and, based on this evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this action.

Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) sets forth import limitations imposed on certain dairy products, including certain chocolate crumb containing over 5.5 percent by weight of butterfat. Headnote 3(a)(iii) of that Appendix allows for reallocating the quota amount of a dairy article listed in that Appendix among the countries of origin specified for a given article if it is determined that the quota amount assigned to a particular country is not likely to be entered from that country within a given calendar year. I hereby determine that it is not likely that 4,400,000 pounds of the amount of chocolate crumb specified in TSUS Item 950.15 for the United Kingdom will be entered from that country during calendar year 1984.

Notice

Notice is hereby given that 4,400,000 pounds of the 1984 quota quantity for chocolate crumb containing over 5.5 percent by weigth of butterfat specified in TSUS Item 950.15 for the United Kingdom may be imported from Ireland, the United Kingdom, New Zealand, Australia and the Netherlands for the remainder of the 1984 quota year.

This quota quantity for TSUS Item 950.15 will revert to the original supplying country on January 1, 1985.

Issued at Washington, D.C. this 18th day of October 1984.

Richard J. Cannon,
Acting Administrator.

[FR Doc. 84–27726 Filed 10–19–84; 8:45 am]
BILLING CODE 3410–10–M

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet November 20, 1984 at 10:00 a.m. at the Yampa Valley Electric Association building, Steamboat Springs, Colorado.

The Agenda for the meeting will include: (1) Review range improvement needs on selected areas; (2) a discussion of the projects planned for FY 1985 utilizing range betterment funds; (3) discuss and receive advice and recommendations for the utilization of range betterment funds and development of allotment management plans for FY's 1986 and 1987.

The meeting will be open to the public. Persons who wish to attend and participate should notify Jim Webb, Routt National Forest (303–879–1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Dated: October 15, 1984

Jack Weissling,
Forest Supervisor.

[FR Doc. 84–27907 Filed 10–22–84; 8:45 am]
BILLING CODE 3410–11–M

Soil Conservation Service

Moffett Creek Subwatershed, VA; 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 Moffett Creek Subwatershed, Augusta County, Virginia.

FOR FURTHER INFORMATION CONTACT: Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Federal Building,

Richmond, Virginia 23240, telephone 804–771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The recommended plan includes soil conservation practices and critical area treatment on 5,863 acres of cropland, pastureland, and woodland. Primary effects of the plan include decreased erosion and sedimentation on agricultural lands, improved economic and social aspects, and improved water quality.

A public meeting will be held at the Parnasus United Methodist Church, Parnasus, Virginia, on October 30 at 7:30 p.m.

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 Gerald P. Bowie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: October 15, 1984.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Manly S. Wilder,

State Conservationist.

[FR Doc. 84–27904 Filed 10–22–84; 8:45 am]

BILLING CODE 3410–16–M

ARMS CONTROL AND DISARMAMENT AGENCY

Performance Review Board; Membership

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Notice of membership of Performance Review Board.

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), the U.S. Arms Control and Disarmament Agency announces the appointment of Performance Review Board members.

EFFECTIVE DATE: October 24, 1984.

FOR FURTHER INFORMATION CONTACT: Cathleen Lawrence, Personnel Officer, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451 (202) 632–2034.

The following are the names and present titles of the individuals appointed to the register from which Performance Review Boards will be established by the U.S. Arms Control and Disarmament Agency. Each individual will serve a one year renewable term beginning on the effective date of this notice. Specific Performance Review Boards will be established as needed from this register.

These appointments supersede those in the announcement published at 48 FR 15502 on April 11, 1983, as amended at 48 FR 45444 on October 5, 1983.

Name and Title

David Emery—Deputy Director
Henry Cooper—Assistant Director, Strategic Programs Bureau
Lewis Dunn—Assistant Director, Nuclear Weapons and Control Bureau
Manfred Eimer—Assistant Director, Verification and Intelligence Bureau
Thomas Etzold—Assistant Director, Multilateral Affairs Bureau
Mary Hoinkes—Deputy Assistant Director, Multilateral Affairs Bureau
Louis Nosenzo—Deputy Assistant Director, Strategic Programs Bureau
William Staples—Executive Secretary
Michael Guhin—Counselor
Charles Kupperman—Executive Director, General Advisory Committee
Lucas Fischer—Division Chief, Strategic Programs Bureau, Theatre Affairs Division
Victor Alessi—Division Chief, Strategic Programs Bureau, Strategic Affairs Division
Robert Rochlin—Chief Scientist, Multilateral Affairs Bureau
Alfred Lieberman—Division Chief, Verification & Intelligence Bureau, Operations Analysis Division
Robert Summers—Division Chief, Verification & Intelligence Bureau, Verification Division
Joreg Menzel—Division Chief, Nuclear Weapons and Control Bureau, Nuclear Safeguards & Technology Division
Thomas Gabbert—Division Chief, Nuclear Weapons and Control Bureau, International Nuclear Affairs Division
William Montgomery—Administrative Director
Thomas Graham—General Counsel
Norman Wulf—Deputy General Counsel
Joseph Lehman—Director, Office of Public Affairs.

Dated: October 18, 1984.

William J. Montgomery,

Administrative Director.

[FR Doc. 84–27906 Filed 10–22–84; 8:45 am]

BILLING CODE 6820–32–M

COMMISSION ON CIVIL RIGHTS

Idaho Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 5:00 p.m., on November 16, 1984, at the Quality Inn, Washington Room, 1555 Pocatello Creek Road, Pocatello, Idaho 83201. The purpose of the meeting is to plan for future programs.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Northwestern Regional Office at (206) 442–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 18, 1984.

John I. Binkley,

Advisory Committe Management Officer.

[FR Doc. 84–27872 Filed 10–22–84; 8:45 am]

BILLING CODE 6335–01–M

Indiana Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on November 15, 1984, at the Holmstedt Hall, Indiana State University, Room 23, 217 N. 6th Street, Terre Haute, Indiana 47809. The purpose of the meeting is to discuss the status of current projects and plans for the future.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-27871 Filed 10-22-84; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on November 13, 1984, at the U.S. Commission on Civil Rights, New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of the meeting is to consider the possibility of holding a community forum in Lawrence, Massachusetts and to discuss fiscal year 1985 program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-27873 Filed 10-22-84; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on November 15, 1984, at the City Hall, Chambers Room, 200 Common Street, Lawrence, Massachusetts 01840. The purpose of the meeting is to discuss recent proposals for the establishment of a human rights commission in Lawrence, Massachusetts.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-27874 Filed 10-22-84; 8:45 am]

BILLING CODE 6335-01-M

North Dakota Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 6:00 p.m., December 3, 1984, at the Town House Motel, Embassy Room, 1800 North 12th, Bismarck, North Dakota 58501. The purpose of the meeting is to conduct a mini-forum to receive information from State and industry officials on the effectiveness and implementation of the North Dakota Human Rights Act.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Rocky Mountain Regional Office at (303) 844-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 18, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-27875 Filed 10-22-84; 8:45 am]

BILLING CODE 6335-01-M

West Virginia Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 6:00 p.m., November 15, 1984, at the Heart-O-Town, Holiday Inn, Conference Room 204, Washington and Broad Streets, Charleston, Virginia 25301. The purpose of the meeting is to discuss projected activities of the Committee through the spring of 1985 and civil rights concerns in West Virginia.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Mid-Atlantic Regional Office at (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-27876 Filed 10-22-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Robots Survey; Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to initiate an annual survey on robots as part of the Current Industrial Reports. This survey will be conducted for the year 1984 and for each year thereafter under the authority of Title 13, United States Code, sections 131, 182, 224, and 225. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of government industry, and the public and are not available from nongovernmental or other government sources.

The establishments covered by this survey will account for all known domestic production of robots. The data resulting from this survey will be used to assess the growth of robots production, study emerging technological developments, evaluate the effect of increased automation on domestic industries, monitor the growth of imported robots, and aid in establishing a "robots" industrty as part of the Standard Industrial Classification.

Copies of the proposed form are made available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the proposed robots survey should be submitted in writing to the Director of the Bureau of the Census within 30 days after this publication in order to receive consideration.

Dated: October 17, 1984.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 84-27848 Filed 10-22-84; 8:45 am]

BILLING CODE 3510-07-M

Annual Wholesale Trade; Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct in 1985 the Annual Wholesale Trade Survey. This survey will be conducted under Title 13, United States Code, sections 182, 224, and 225 and will

provide data for 1984 covering year end inventories, purchases, and annual sales of firms engaged in wholesale trade. This survey is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing estimates of wholesale sales and inventories. Such a survey if conducted, shall begin not earlier than December 31, 1984.

Information and recommendations received by the Bureau of the Census show that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Reports will be required only from a minimum selected sample of merchant wholesale firms operating in the United States, with probability of selection based on sales size. The sample will provide, with measurable reliability, statistics on the subject specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the data items covered in this proposed survey will receive consideration if submitted in writting to the Director, Bureau of the Census, on or before December 3, 1984.

Dated: October 17, 1984.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 84-27849 Filed 10-22-84; 8:45 am]

BILLING CODE 3510-07-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will meet to review Council action on the Swordfish and Mackerel Fishery Management Plans (FMPs); public comment on the Swordfish and Mackerel FMPs; and the Data Collection FMP discussion paper.

The public meeting will convene at 8:30 a.m., on November 14, 1984, and recess at approximately 5 p.m.; reconvene at 8:30 a.m., November 15, adjourn at approximately noon, and will be held at the Lincoln Hotel, Kennedy Square Boulevard, 4950 West Kennedy Boulevard, Tampa, FL. For further information, contact the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, FL 33609; telephone: (813) 228-2815.

Dated: October 18, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-27957; Filed 10-22-84; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene its Swordfish Advisory Panel members to review the provisions of the Swordfish Fishery Management Plan (FMP), prior to the Council taking final action on the FMP.

The public meeting will convene at 8 a.m., on November 1, 1984, will adjourn at approximately 3:30 p.m., and will take place at the Council's Headquarters, 5401 West Kennedy Boulevard, Tampa, FL. For further information, contact the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; telephone: (813) 228-2815.

Dated: October 18, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-27956 Filed 10-22-84; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting/Public Hearing

AGENCY: National Marine Fisheries Services, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting on October 30, 1984, at approximately 10 a.m., and will adjourn on October 31, at approximately 5 p.m., to discuss reports of the surf claim/ocean quahog, striped bass, foreign fishing, lobster, scallop and groundfish oversight committees; reports on the Mid-Atlantic Council meeting, gear conflict Fish Expo Panel discussion, Atlantic State Marine Fisheries Commission's annual meeting, and U.S./Canadian boundary decision, as well as other fishery management and administrative matters.

The Council also will convene a public hearing on October 30, at approximately 3:30 p.m., and will adjourn at approximately 5:30 p.m., to discuss the draft fishery mangement plan for swordfish and receive public comment on the measures proposed in the draft plan.

The meeting and hearing will be held at the King's Grant Inn, Danvers, MA. For further information, contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Rte. 1), Saugus, MA 10906; telephone: (617) 231-0422.

Dated: October 18, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-27958 Filed 10-22-84; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, November 14, 1984 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, DC 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C., October 17, 1984.

Charles H. Atherton,

Secretary.

[FR Doc. 84-27902 Filed 10-22-84; 8:45 am]

BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

General Regulations Under Commodity Exchange Act; Request for Public Comment in Conjunction With Proposed Designation Applications by the MidAmerica Commodity Exchange for Futures Trading in Soybean Oil and Soybean Meal

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for comments.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is seeking public comment on provisions

relating to cash settlement procedures proposed by the MidAmerica Commodity Exchange ("MCE" or "Exchange") in connection with the MCE's applications for designation as a futures contract market in soybean meal and in soybean oil. The Exchange is proposing that the contracts be settled in cash based on settlement prices of the Chicago Board of Trade's ("CBT") soybean meal and soybean oil contracts, respectively. The MCE's proposed cash settlement procedure raises issues relating to the public interest requirement of section 5(g) of the Commodity Exchange Act ("Act") and market competition under section 15 of the Act and section D of the Commission's Guideline No. 1. The proposal also raises issues relating to the continued reliability and acceptability of the prices to be used for cash settlement and their potential for mainpulation.

DATE: Comments must be received on or before December 7, 1984.

ADDRESS: Interested persons should submit comments to Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention: Office of the Secretariat, telephone 202/254–6314. Comments should make reference to MCE soybean oil and soybean meal designations.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202/254–6990.

SUPPLEMENTARY INFORMATION:

I. Background

The Commodity Futures Trading Commission is seeking public comment on certain provisions relating to cash settlement procedures proposed by the MidAmerica Commodity Exchange in connection with its applications for designation as futures contract markets in soybean meal and in soybean oil. The contract sizes for the MCE's proposed soybean meal and soybean oil futures contracts are 20 tons and 12,000 pounds, respectively (one-fifth the sizes of the CBT's existing contracts for these commodities).

The procedures proposed by the Exchange provide for cash settlement based on the futures settlement prices of the Chicago Board of Trade. Specifically, the rules of the MCE's proposed soybean meal and soybean oil futures contracts provide that trading shall terminate on the business day preceding the last day of trading of the CBT's corresponding soybean meal or soybean oil futures contract.[1] During the notice period for a maturing future, offset of MCE positions under the proposed cash settlement procedure would occur at the CBT's settlement price for the CBT's corresponding expiring soybean meal or soybean oil futures contract for the day of notice at the MCE.[2] All MCE contracts remaining open at the close of business on the last day of trading will be offset at that day's CBT settlement price. Speculative position limits for the maturing future for the proposed soybean meal and soybean oil contracts will be 200 contracts during the first five business days of the delivery month, 100 contracts subsequent to that time, and 50 contracts during the final three trading days of the delivery month.

The Exchange, in proposing the contracts, contends that the:

> * * * cash market structure poses serious difficulties for the construction of a physical delivery soybean meal and oil futures contract of economic benefit to small and medium sized users of these products. For example, many processors do not handle shipments of meal in other than rail car units for reasons of scale economics or available loadout and transportation facilities. In preparation of the proposed soybean meal and oil cash settlement futures contracts, MidAmerica determined that a physical delivery contract in the proposed sizes, while of great economic use, was not a feasible alternative. Therefore, the Exchange adopted the cash settlement provision contained in proposed rules 2506 and 2706. MidAmerica believes this provision is the only manner in which the benefits of risk management and price basing offered by futures trading may be extended to substantial segments of the affected industries.[3]

The Exchange also contends that, since cash settlement alleviates certain problems associated with delivery, potential market participants could remain active well into the contract month, increasing market liquidity during contract expiration and thereby providing for a more effective risk management tool.

II. Self-Regulatory and Anticompetitive Issues

The MCE's proposed cash settlement procedures raise issues relating to the public interest requirement of section 5 (g) of the Act and to market competition under Section 15 of the Act, 7 U.S.C. 7 (g) and 19 (1982).[4] This proposal also raises issues relating to the continued reliability and acceptability of the prices to be used for cash settlement and their potential for manipulation, which are criteria set forth in section B(3) of Guideline No. 1.[5]

1. The use by one exchange (the secondary market) of the futures settlement prices of another exchange (the primary market) for cash settlement may adversely impact upon an existing market and thus create regulatory concerns. Chief among these is a potential for market manipulation and other forms of increased self-regulatory burdens upon th eprimary market through additional costs not shared by the secondary market. Further, with this contract, the secondary market is also

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[1] The CBT's soybean meal and soybean oil futures contracts provide for physical delivery. The last day of trading in these futures contracts is the eight-to-last business day of the delivery month.

[2] Under the proposed MCE contracts, a short intending to offset a contract tenders a notice of offset to the MCE clearing house no later than one hour prior to the opening of the MCE market on any business day of the notice period, which commences on the second business day prior to the contract month and terminates on the last trading day of the expiring contract. The clearing house then promptly assigns such notice to the oldest outstanding long.

Where the market closes at a limit bid, offset shall be effective at the settlement price of the first subsequent CBT trading session which does not close at limit bid. Where notice of offset is assigned to a member evenly spread between the MCE and CBT markets who at least partially offsets the CBT leg of the spread by a market-on-close (MOC) order on a day when the market closes at limit bid, such offset shall be effective to the extent that such MOC order was filled.

[3] MCE staff has indicated to Commission staff that the Exchange considered cash settlement based on cash market prices, but the MCE staff further indicated that such a procedure does not seem feasible based on discussions with various participants in the cash markets for soybean meal and soybean oil.

[4] Section 5 of the Act provides that the Commission is authorized to designate a board of trade as a contract market when, among other requirements:

> * * * such board of trade demonstrates that transactions for future delivery in the commodity for which designation as a contract market is sought will not be contrary to the public interest.

Section 15 of the Act provides that the Commission must:

> * * * take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act, in * * * approving any bylaw, rule, or regulation of a contract market.

Thus, in approving contract market rules, section 15 requires the Commission to balance the anticompetitive effects of various alternatives against their regulatory benefits.

[5] Guideline No. 1 is the Commission's interpretive statement regarding economic and public interest requirements for contract market designation, 17 CFR Part 5, Appendix A, (1983). Section B(3) of Guideline No. 1 requires, in part:

> In the case of contracts where cash settlement may serve as an alternative to or substitute for physical delivery, information submitted by the board of trade pursuant to this section must include evidence that the cash settlement of the contract is at a price reflecting the underlying cash market, will not be subject to manipulation, and must also include * * * an analysis of the price series upon which such settlement will be based, including the series's *reliability* [and] *acceptability* * * *. (Emphasis added)

very dependent on the primary market's self-regulatory efforts but lack the ability to ensure the effectiveness of the other program. To the extent increased costs are experienced by the primary market, there well may be anticompetitive consequences to consider as well as the general public interest.

In particular, the Commission seeks comments with respect to the possibility that the existence of a secondary market may provide a vehicle for additional incentives to traders to attempt to manipulate prices on the primary market, thereby adversely affecting the market as well as adding to the primary market's costs of surveillance and general regulatory burden. In addition, manipulation of the primary market may be more feasible if there is less liquidity in the primary market as a result of competition from the secondary market. Moreover, without a joint surveillance program it might be more difficult for either exchange to detect price manipulation.[6] Finally, the secondary market has no ability itself to police the primary market or take other actions to reduce a threat of possible manipulation, such as modifying the contract to keep the terms and conditions in conformance with changing cash market practices.

Ordinarily, when an exchange trades an independent contract similar or identical to the contract of another exchange, the Commission expects the efficiency of the futures markets to increase by encouraging the exchanges independently to keep the terms and conditions of existing contracts aligned with commercial practices and effectively to regulate their trading. Because both contracts would have their own delivery mechanisms, the incentive and feasibility to manipulate the contracts generally would not increase, and an individual exchange's ability to detect such attempts would not be affected adversely.[7]

2. Cash settlement using another exchange's settlement price also raises concerns about the long-term, continued reliability and acceptability of the primary market's settlement price. First, the reliability of certain methods of computing futures settlement prices and their accuracy as indicators of the market value of a commodity has been questioned in the past.[8] Second, even if the settlement prices were otherwise accurate and reliable indicators of market value, the Commission is concerned that the settlement prices of the primary market could be adversely affected by the trading of such contracts in a secondary market, in light of the incentives to manipulate and other adverse regulatory effects discussed above.

Unlike competing physical delivery contracts where traders choose the contract best suited to their needs with no direct derivative effect on the competing exchange, with the cash settlement procedure proposed by the MCE a reduction in the liquidity of the primary market might impair the reliability of the primary market's settlement price for use as the cash settlement price by the secondary market. This may be particularly true in commodities such as soybean meal and soybean oil, where cash transaction information is dispersed and economically heterogeneous respecting location, transportation terms, and other significant terms of trade such as time of delivery. For such commodities, futures markets are more integral to the discovery of prices than for others. Thus, trading activity in the MCE's proposed contracts that derives from decreased liquidity of the primary market could potentially undermine the reliability of the cash settlement price.[9]

Accordingly, the Commission is hereby requesting that interested parties comment on the issues described above, and, in particular, address the following questions:

(1) To what extent does cash settlement as proposed by the MCE create a burden on the primary market—in particular, relating to any increased self-regulatory burdens on the primary market?

(2) Would the introduction of a secondary, cash settlement market create an additional incentive for traders to attempt to manipulate prices, thereby increasing the burden of the primary market in preventing price manipulation by increasing the feasibility of manipulation or by reducing the ability to detect such attempts on that market?

(3) Would the introduction of a secondary, cash settlement market adversely affect the liquidity of the primary market and the integrity of futures prices on that market? If so, would such reduced liquidity make it more feasible to manipulated prices on the primary market? To what extent and how can this effect be mitigated?

(4) In light of the possible adverse regulatory effects of such contracts, would futures settlement prices of primary markets be sufficiently accurate and reliable indicators of the cash market value of a commodity to be used as the basis for cash settlement by a secondary market?

(5) In general, what are the benefits of using another exchange's settlement prices? In particular, what are the benefits of the MCE's proposed soybean meal and soybean oil contracts with the cash settlement procedure? Are other alternatives (such as physical delivery or cash settlement based on cash market price quotes) viable?

(6) In regard to the MCE proposals, do adverse anticompetitive and other regulatory implications outweigh any benefits identified above?

Issued in Washington, D.C. on October 17, 1984.

Jean A. Webb,

Acting Secretary of the Commission.

[FR Doc. 84-27844 Filed 10-22-84; 8:45 am]

BILLING CODE 6351-01-M

[6] Commission staff is not aware of any agreement between the CBT and the MCE to enter into an agreement regarding the proposed markets, including the sharing of self-regulatory burdens and joint surveillance of the markets.

[7] The Commission notes that the existing MCE U.S. 90-day Treasury bill contract approved by the Commission in March 1982 provides for cash settlement based on the futures settlement prices of the Chicago Mercantile Exchange (CME). However, the unique factors surrounding that designation were considered by the CFTC staff to make such a designation consistent with the requirements of the act. Although it may be that the cash settlement alternative tended to increase the self-regulatory burden of the CME as outlined above, it eliminated serious concerns about increased demands for the limited deliverable supplies of 90-day Treasury bills, without granting exclusive or monopolistic rights to the exchanges already designated to trade a 90-day Treasury bill contract in all of the available delivery months.

[8] See 45 FR 47180 (July 14, 1980).

[9] In the case of the MCE Treasury bill contract, the primary market at the CME is based upon a cash market which has easily discernible bids and offers relating to highly standardized terms of trade. Therefore, a possible decline in the liquidity of the CME futures market was not considered as a significant factor relative to the integrity of futures prices on either the CME or MCE. Moreover, as discussed above, any such potential negative impact on the liquidity or pricing of the CME contract was judged more than outweighed by the implications of not allowing the MCE contract to exist.

Citrus Associates of the New York Cotton Exchange; Proposed Rules Relating to Exchange Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Contract Market Rules.

SUMMARY: The Citrus Associates of the New York Cotton Exchange ("NYCE" or "Exchange") has submitted to the Commodity Futures Trading Commission ("Commission") proposed rules setting speculative position limits for its currently designated contract market in frozen concentrated orange

juice ("FCOJ") pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1983), and section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12)(1982). The Commission has determined that these proposed rules setting initial speculative position limits for an existing contract are potentially of major economic significance. Accordingly, publication of these proposals for public comment is consistent with the purposes of the Commodity Exchange Act, is in the public interest, and will assist the Commission in its consideration of the exchange submission.

DATE: Comments must be received by November 7, 1984.

ADDRESS: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, and should make reference to: "NYCE Speculative Postiton Limits".

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–6990.

SUPPLEMENTARY INFORMATION:

I. Background

The NYCE has submitted to the Commission pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1983), and section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (1982), proposed exchange rules setting speculative position limits in the frozen concentrated orange juice contract. These rules were submitted in response to a request by the Commission, pursuant to section 8a(7) of the Act, 7 U.S.C. 12a(7) (1982), that such rules be adopted by the Exchange.

In accordance with section 5a(12) of the Act, the Commission has determined that the proposed rules setting exchange speculative position limits on currently designated contracts are potentially of major economic significance.[1] Accordingly, the Commission seeks to receive comments from interested persons with respect to these proposed exchange rules.

[1] This determination is based upon a finding that the initial imposition of speculative position limits for designated contract markets which currently do not have such limits may be of economic significance to those currently trading in a contract which has no existing speculative limits. However, the Commission believes that the subsequent adjustment of existing exchange speculative limits generally would not be of major economic significance.

II. The Exchange Rules

Proposed Exchange Rules 63 and 64 are as follows:

Rule 63

(a) *Position Limits*

The limit on the maximum net long or net short position which any one person may hold or control under contracts for futures delivery of Frozen Concentrated Orange Juice ("FCOJ") is:

(1) 150 contracts in the delivery month; (2) 400 contracts in any other month; and (3) 800 contracts in all months combined.

(b) *Exemptions*

The foregoing limits upon positions shall not apply to a bona fide hedging position as that term is defined in Reg. 1.3(z)(1) of the Regulations of the Commodity Futures Trading Commission upon approval of an exemption for such positions.

(c) *Definitions*

(1) The term "delivery month," as used in the Rule, shall mean the period commencing on the business day before the first calendar day of a maturing month and ending on the last delivery day of the month.

(2) The term "person," as used in this Rule, includes individuals, associations, partnerships, corporations, and trusts.

(d) *Exchange's Ability to Reduce Limits*

Nothing contained in this Rule shall be construed to affect any other provisions of the By-Laws and Rules of the Exchange, including, but not limited to, the power of the Exchange to order a reduction in positions for any or all members or any or all customers of members as permitted by any other By-Law or Rule.

(e) *Aggregation*

In determining whether any person has exceeded the limits established under this Rule, all positions in accounts for which such person by power of attorney or otherwise directly or indirectly controls trading shall be included with the positions held by such person; such limits upon positions shall apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by a single person.

(f) *Supervision by Members*

(1) No member shall maintain a position in an FCOJ futures contract for itself in excess of the position limits set forth herein; nor shall it maintain such a position for any other person if such member knows, or with reasonable care should know, that such position will cause such other person to exceed the position limits set forth herein.

(2) No member shall be deemed to have violated its duty to avoid maintaining positions for another person, in violation of this Rule, if: (A) There have been established procedures and a system for applying such procedures which would reasonably be expected to detect, insofar as practicable, any violation by such other person; and (B) such member has reasonably discharged the duties and obligations incumbent upon it by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

(3) Upon request by the Exchange, which may be written or oral, a member shall be required, within 24 hours of receipt, or such longer or shorter period as may be specified by the Exchange in its request, to assure the Exchange as to the member's position and/or to seek written assurance from a person for whom it is maintaining a position that the maintenance of that person's position does not violate any provisions of this Rule. Such assurance shall be communicated by the member to the Exchange by the fastest means available to it. A member may not maintain a position for any such person who has failed to give such written assurance to the member within five days of receipt of such request from the member. The maintenance of such position by the member after such period shall be deemed prima facie evidence of the member's violation of this Rule.

Rule 64

Procedure for Exemptions

(a) An exemption under this Rule or an increase in an exemption shall be effective upon approval by the Exchange of an application therefor filed by the person intending to hold the positions with respect to which the exemption is sought.

The application shall contain the following:

(1) A description of the size and nature of the transactions and positions.

(2) Information which will demonstrate that the transactions and positions are bona fide hedging transactions.

(3) Information as to whether the person seeking the exemption maintains positions in the contract with any other Clearing Member for such exemption and the relationship of the information set forth in any such other request.

(4) A statement that the transactions and positions are and will be bona fide hedges.

(5) A statement that the applicant will immediately supply the Exchange with any changes in the information submitted therein.

(6) A statement that the applicant does not then have positions in excess of that permitted by Rule 63.

(7) A statement as to the amount of the exemption requested by the applicant.

(8) A general description of the applicant's business operations, or other information which demonstrates that the proposed positions are bona fide positions.

(9) A statement from the applicant affirming that such positions will pertain to risk reduction (i.e., will be in compliance with Commission Regulation 1.3(z)(1)).

(10) Such further information as the Exchange may request.

(b) *Notification*

Within five business days of the submission of an application, the Exchange shall notify the applicant whether the exemption has been approved and of any limitations placed thereon. An exemption shall remain in full force and effect until (i) the applicant requests a withdrawal thereof or (ii) the Exchange revokes, modifies or places further limitations thereon.

(c) *Denial Procedures*

(1) If an application for an exemption is denied, the affected party may apply for the reversal of the denial to the Executive Committee or the Board of Directors and a hearing on such application shall be granted or denied at the discretion of the Executive Committee.

(2) Any action by the Exchange respecting an application for exemption shall remain in effect until and unless it is reversed by the Executive Committee or the Board of Directors but may be stayed by the Executive Committee pending a decision thereon after a hearing.

In addition to Rules 63 and 64, the Exchange adopted the following resolution:

Resolved, That the speculative limits set forth in Rule 63 shall not apply to any positions acquired in good faith prior to the effective date of said Rule to the extent such positions exceed the limits set forth in said Rule but only to the extent such positions are maintained at that level or reduced; and that positions acquired or increased in excess of said levels following public notice of the adoption of Rule 63, presumptively are not acquired in good faith.

III. Implementation of Rules 63 and 64

The above resolution passed in conjunction with the adoption of Rules 63 and 64, provides that existing positions which were entered in good faith prior to the effective date of the rules need not be reduced to the specified levels. Rather, existing positions above the levels set forth in the rules may be maintained at their then current levels but may not be increased. Thus, a trader now holding a position of 175 contracts in the January FCOJ future could maintain but not increase that level in the January delivery month and would not be required to reduce the position to the 150 contract delivery month level as specified in Rule 63. Of course, during the intervening period the trader could increase his or her position to the specified maximum position levels for non-delivery months of 400 contracts in any one future, and 800 contracts all futures combined.

The exchange resolution would also permit a trader who is currently over the individual future level of 400 contracts to maintain this position throughout the life of the contract. The trader could not, however, further increase his or her position in that particular trading month, although to the extent the trader's overall position was below the specified level of 800 contracts, he or she could increase his or her position in other months. Any trader currently exceeding the 800 contract level for all futures combined could not further increase his or her position in any individual trading month until the overall position is reduced below the 800 contract level. Once positions exceeding the applicable limits for delivery months, for any individual non-delivery month, or for all months combined are reduced they may not be increased subsequently in excess of those limits.

Positions acquired which are in excess of the levels specified herein after notice by the NYCE to its members that the Exchange has adopted these proposed rules are presumptively not acquired in good faith. The Exchange intends to provide notice of the adoption of these proposed rules to its membership. In addition, pursuant to the Federal Register Act, this release constitutes notice to the general public that the Exchange has adopted the proposed rules set forth above. 44 U.S.C. 1508. At present, few traders appear to have positions in excess of the specified levels.

IV. Length of comment period

Because of recent changes in the cash market for frozen concentrated orange juice, past concerns over the orderly liquidation of the contract, and recent events affecting the deliverable supply of the commodity, the public interest requires speedy consideration of these proposed speculative limits. Accordingly, the Commission believes that under these circumstances a comment period of less tahn thirty days is in the public interest.

Other materials submitted by the NYCE in support of proposed rules 63 and 64 may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1983)). Requests for copies of such materials should be made to FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8. Comment letters received by the Commission will be publicly available except to the extent they are intitled to confidential treatment as set forth in 17 CFDR 145.5 and 145.9.

Issued in Washington, D.C., on October 18, 1984.

Jean A. Webb,

Acting Secretary to the Commission.

[FR Doc. 84-28021 Filed 10-22-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup); Advisory Committee; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup) will meet in closed session on 15–16 November 1984 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Subgroup will discuss the application of technology to systems designed to improve future U.S. air defense capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: October 16, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-27852 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 19, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee on the Application of Artificial Intelligence will meet in the Pentagon, Washington, D.C. on November 7, 1984.

The purpose of the meeting will be to review Air Force Office of Scientific Research AI programs and personnel issues associated with assignment and identification of personnel with AI expertise. Additionally, the Committee will be briefed by Industry representatives on ways to establish internal AI counseling groups and transport this expertise across the Air Force. This meeting will also contain a working session for members to begin evaluation of specific applications of artificial intelligence. The meeting will convene from 8:30 a.m. to 5:00 p.m. on November 7, 1984.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (2) and (4) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-27976 Filed 10-22-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

Summary

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for the Review of Discharge or Dismissal from the Armed Forces of the United States; DD Form 293.

DD Form 293 is the written document that allows an applicant to request review of the disposition of his/her separation if he/she is not satisfied with its current status. The information provided is used to locate and compare with official documents.

Individuals or households.

Responses 20,000.

Burden hours 10,000.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301-1155, telephone (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM-ADI, Room 1D667, The Pentagon, Washington, DC 20301, telephone (202) 695-5111.

Dated: October 16, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-27851 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-01-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Date of meeting: Friday, 16 November 1984

Time: 0830-1300 hours (Open)

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Steering Committee will meet for discussions covering the following: (1) Lessons learned from last General Membership Meeting, (2) membership taskings, (3) Functional subgroup operations, and (4) future study efforts. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-27850 Filed 10-22-84; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Ocean Research and Development Activity (NORDA) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on 7-8 November, at the Naval Ocean Research and Development Activity, Bay St. Louis, Mississippi. Sessions of the meeting will commence at 8:30 A.M. and terminate at 5:00 P.M. on 7 November and 3:00 P.M. on 8 November, 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NORDA. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably interwined as to preclude opening any portion of the meeting. The Secetary of the Navy, therefore, has determined in writing that the public interest requires tht the entire meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217. Telephone number: (202) 696-4870.

Dated: October 16, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-27878 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Underwater System Center (NUSC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on 7–8 November, at Harold Rosenbaum Associates, Inc., 1500 Wilson Boulevard, Arlington, Virginia. Sessions of the meeting will commence at 8:30 A.M. and terminate at 4:00 P.M. on 7 and 8 November 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NUSC. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The Secretary of the Navy, therefore, has determined in writing that the public interest requires that the entire meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217. Telephone number: (202) 696–4870.

Dated: October 18, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–27879 Filed 10–22–84; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Surface Weapons Center (NSWC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet of 7 November 1984 at the Naval Surface Weapons Center, White Oak, Maryland, and 8 November 1984 at the Office of Naval Research, Arlington, Virginia. Sessions of the meeting will commence at 8:30 A.M. and terminate at 4:45 P.M. on 7 November and 5:00 P.M. on 8 November 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NSWC. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The Secretary of the Navy, therefore, has determined in writing that the public interest requires that the entire meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217. Telephone number : (202) 696–4870.

Dated: October 16, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–27880 Filed 10–22–84; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the David W. Taylor Naval Ship Research and Development Center (DTNSRDC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on 14–16 November, at the David W. Taylor Naval Ship Research and Development Center, Carderock, Maryland. Sessions of the meeting will commence at 9:00 a.m. and terminate at 5:00 p.m. on November, 4:00 p.m. on 15 November, and 10:00 a.m. on 16 November 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of DTNSRDC. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be keep secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The Secretary of the Navy, therefore, has determined in writing that the public interest requires that the entire meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217. Telephone number: (202) 696–4870.

Dated: October 16, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–27881 Filed 10–22–84; 8:45 am]

BILLING CODE 3810–AE–M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $1.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161. Requests for copies of patent applications must include the patent application serial number. Claims are deleted from patent application copies sold to avoid premature disclosure.

For further information contact; Dr. A.C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Tower No. 1, Arlington, Virginia 22217. Telephone No. 202–696–4005.

List of Patent Applications

1. Patent application 248,932: Booster For Missile Fuze. Filed March 30, 1981.
2. Patent application 276,856: Penetrator Interface Adapter Concept. Filed June 24, 1981.
3. Patent application 317,040: Standardized Compact Modular Boiler. Filed November 2, 1981.
4. Patent application 319,153: Directional Data Stabilization System. Filed November 6, 1981.
5. Patent application 320,999: Optical Fiber Gyroscope with (3x3) Directional Coupler. Filed November 13, 1981.
6. Patent application 351,799: Nickel-Base Superalloy Having Improved Heat

Treatment Range. Filed February 24, 1982.

7. Patent application 353,677: Fiber Optic Rotation-Sensing Gyroscope With (3x2) Coupler. Filed March 1, 1982.

8. Patent application 354,260: Unsymmetrical Polynitrocarbonates and Symmetrical 1,3-BIS (HALO- AND NITRO ALKYL CARBONYLDIOXY)-2,2-DINITROPROPANES and Methods of Preparation. Filed March 3, 1982.

9. Patent application 354,261: Unsymmetrical Polynitrocarbonates and Symmetrical 1,3-BIS (HALO- AND NITRO ALKYL CARBONYLDIOXY)-2,2-DINITROPROPANES and Methods of Preparation. Filed March 3, 1982.

10. Patent application 373,943: Sonobuoy Float Inflation & Depth Selection Initiators. Filed May 3, 1982.

11. Patent application 375,141: Roller Bearing Hot Box Sensor. Filed May 5, 1982.

12. Patent application 387,133: Holographic Moment Generator. Filed June 10, 1982.

13. Patent application 390,160: A Novel Method For the Preparation of CF_3NF_2. Filed June 21, 1982.

14. Patent application 392,854: On Block Surface Roughness Testing Device For Transparent Substrates. Filed June 28, 1982.

15. Patent application 395,546: One-Side Transducer Lead Connection. Filed July 6, 1982.

16. Patent application 395,557: Gated Fiber Optic Transmission. Filed July 6, 1982.

17. Patent application 403,822: Aerodynamic Housing. Filed July 30, 1982.

18. Patent application 412,616: Automatic Centering Servo Actuator. Filed August 30, 1982.

19. Patent application 418,894: Fluorocarbon-Metal Composites For Surable Airfield Runway Markings. Filed September 16, 1982.

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91. Patent 4,399,564: Fiber Optic System For Transmission of Video Signals By Pulse-Frequency-Modulation. Filed February 19, 1980, Patented August 16, 1983.

92. Patent 4,400,803: Wide Swath Precision Echo Sounder. Filed May 25, 1981, Patented August 23, 1983.

93. Patent 4,400,804: Driver For High Power Sonar Systems. Filed September 14, 1981, Patented August 23, 1983.

94. Patent 4,401,988: Coupled Multilayer Microstrip Antenna. Filed 28 August 1981, Patented August 30, 1983.

95. Patent 4,402,069: Acoustic Envelope Having Minimal Vibration and Flow Induced Noises. Filed June 3, 1981, Patented August 30, 1983.

96. Patent 4,402,570: Triple Minimum Dispersion Wavelengths For a High NA Single-Mode Step-Index Fiber. Filed April 13, 1981, Patented September 6, 1983.

97. Patent 4,402,770: Hard Magnetic Alloys of a Transition Metal and Lanthanide. Filed September 23, 1981, Patented September 6, 1983.

98. Patent 4,403,218: Portable Instrumentation Telemetry Device. Filed August 19, 1981, Patented September 6, 1983.

99. Patent 4,404,562: Low Sidelobe Linear FM Chirp System. Filed August 25, 1980, Patented September 13, 1983.

100. Patent 4,404,666: Quick Deployment Vehicle. Filed June 2, 1981, Patented September 13, 1983.

101. Patent 4,405,198: Extended Fiber Optic Sensor Using Birefringent Fibers. Filed August 25, 1981, Patented September 20, 1983.

102. Patent 4,405,237: Coherent Anti-Stokes Raman Device. Filed February 4, 1981, Patented September 20, 1983.

103. Patent 4,405,985: Guidance Computer. Filed October 22, 1965, Patented September 20, 1983.

104. Patent 4,406,020: Millimeter Wave Printed Circuit Mixer. Filed July 29, 1981, Patented September 20, 1983.

105. Patent 4,406,059: Electrical Connection. Filed April 22 1981, Patented September 27, 1983.

106. Patent 4,406,631: Flotation Device. Filed September 5, 1981, Patented September 27, 1983.

107. Patent 4,406,763: Method of Separation of Carbon Isotopes. Filed April 3, 1981, Patented September 27, 1983.

108. Patent 4,408,284: Signal Processing System. Patented October 4, 1983. Filed January 19, 1981.

109. Patent 4,408,329: Laser Device With Intra-Resonator Harmonic Generator. Patented October 4, 1983. Filed December 4, 1978.

110. Patent 4,408,882: Optical Gyroscope With Time Dependent Wavelength. Filed July 2, 1981, Patented October 11, 1983.

111. Patent 4,409,043: Amorphous Transition Metal-Lanthanide Alloys. Filed October 23, 1981, Patented October 11, 1983.

112. Patent 4,409,262: Fabrication of Submicron-Wide Lines with Shadow Depositions. Filed February 1, 1982, Patented October 11, 1983.

113. Patent 4,409,297: Composite Superconductors. Filed May 14, 1981, Patented October 11, 1983.

114. Patent 4,409,382: Synthesis and Polymerization of Phthalonitrile Monomers Containing Multiple Phenoxy and Sulfone Linkages. Filed January 7, 1982, Patented October 11, 1983.

115. Patent 4,409,608: Recessed Interdigited Intergated Capacitor and Method Therefor. Filed April 28, 1981, Patented October 11, 1983.

116. Patent 4,410,012: Radially Complaint Acoustic Line Array Hose. Filed October 20, 1980, Patented October 18, 1983.

117. Patent 4,410,476: Method for Making Radially Complaint Line Array Hose. Filed November 27, 1981, Patented October 18, 1983.

118. Patent 4,410,833: Solid State Magnetron. Patented October 18, 1983, Filed June 2, 1981.

119. Patent 4,410,903: Heterojunction-Diode Transistor Ebs Amplifier. Filed February 2, 1981, Patented October 18, 1983.

120. Patent 4,410,925: Ground Fault Detector and Shutdown System. Filed March 22, 1982, Patented October 18, 1983.

121. Patent 4,411,172: Variable Speed Reducing and Torque Transmitting System. Filed February 20, 1981, Patented October 25, 1983.

122. Patent 4,411,384: Heat Driven Heat Pump Using Paired Ammoniated Salts. Filed August 29, 1980, Patented October 25, 1983.

123. Patent 4,412,148: A PZT Composite and a Fabrication Method Thereof. Filed April 24, 1981, Patented October 25, 1983.

124. Patent 4,413,239: Field Effect Transistor Circuit for Modulator and Demodulator Applications. Filed June 22, 1981, Patented November 1, 1983.

125. Patent 4,414,076: Low Resistance Ohmic Contact. Filed March 1, 1983, Patented November 8, 1983.

126. Patent 4,414,738: Optical Lithographic Technique For Fabricating Submicron-Sized Josephson Microbridges. Filed February 2, 1981, Patented November 15, 1983.

127. Patent 4,415,165: Integral Elastomeric/Graphite Dynamic Face Seal. Filed December 2, 1982, Patented November 15, 1983.

128. Patent 4,415,867: Hybrid Coupled Microstrip Amplifier. Filed May 22, 1981, Patented November 15, 1983.

129. Patent 4,416,013: Distributed Feedback Laser Employing the Stark Effect. Patented November 15, 1983, Filed November 30, 1981.

130. Patent 4,416,542: Nightime/Daytime Diffuse Attenuation Coefficient Device For Seawater. Filed June 15, 1981, Patented November 22, 1983.

131. Patent 4,418,306: Directional Data Stabilization System. Filed November 6, 1981, Patented November 29, 1983.

132. Patent 4,418,404: Single Sideband Acoustic Telemetry. Filed October 1, 1981, Patented November 29, 1983.

133. Patent 4,419,155: Method for Preparing Ternary Mixtures of Ethylenediamine Dinitrate, Ammonium Nitrate and Potassium Nitrate. Filed April 29, 1983, Patented December 6, 1983.

134. Patent 4,419,532: Thermovoltaic Power Source. Patented December 6, 1983. Filed July 30, 1982.

135. Patent 4,419,630: Phase Demodulator. Filed May 5, 1981, Patented December 6, 1983.

136. Patent 4,419,635: Slot-Line Reverse-Phased Hybrid Ring Coupler. Filed September 24, 1981, Patented December 6, 1983.

137. Patent 4,420,258: Dual Input Gyroscope. Patented December 13, 1983. Filed October 23, 1981.

138. Patent 4,420,259: Double Coupled Dual Input Rate Sensor. Filed October 23, 1981, Patented December 13, 1983.

139. Patent 4,421,393: Visual Field Perimeter and Psychomotor Tracking Performance Measuring Apparatus. Filed April 27, 1981, Patented December 20, 1983.

140. Patent 4,421,713: Tokamak Plasma Heating With Intense Pulsed Ion Beams. Filed March 25, 1981, Patented December 20, 1983.

141. Patent 4,422,013: MPD Intense Beam Pulser. Filed July 21, 1981, Patented December 20, 1983.

142. Patent 4,426,268: Method For Forming High Superconducting Niobium Nitride Film At Ambient Temperature. Filed July 12, 1983, Patented January 17, 1984.

143. Patent 4,426,706: Molecular Excimer Gas UV Preionized Transverse Discharge Laser Tube Assembly. Filed December 16, 1981, Patented January 17, 1984.

144. Patent 4,427,263: Pressure Insensitive Optical Fiber. Filed April 23, 1981, Patented January 24, 1984.

145. Patent 4,428,073: Underwater Depth Telemetry. Filed November 2, 1981, Patented January 24, 1984.

146. Patent 4,429,290: Flexi-Bend Corrugated Waveguide. Filed October 29, 1979, Patented January 31, 1984.

147. Patent 4,430,170: Electrodeposition of Refractory Metal Carbides. Filed January 17, 1983, Patented February 7, 1984.

148. Patent 4,430,704: Programmable Bootstrap Loading System. Filed January 21, 1980, Patented February 7, 1984.

149. Patent 4,431,342: Pivoting Pipe Layer. Filed December 2, 1982, Patented February 14, 1985.

150. Patent 4,432,079: Synchronous/Asynchronous Independent Single Sideband Acoustic Telemetry. Filed November 2, 1981, Patented February 14, 1984.

151. Patent 4,432,080: Subwavelength Monopole Underwater Sound Radiator. Filed October 1, 1981, Patented February 14, 1984.

152. Patent 4,432,816: Pyrotechnic Composition For Cutting Torch. Filed November 9, 1982, Patented February 21, 1984.

153. Patent 4,433,314: Millimeter Wave Suspended Substrate Multiplexer. Filed January 21, 1982, Patented February 21, 1984.

154. Patent 4,433,633: Controlled Gas Generator System. Filed April 16, 1982, Patented February 28, 1984.

155. Patent 4,433,737: Water Jet Sediment Probe. Filed March 25, 1982, Patented February 28, 1984.

156. Patent 4,436,425: Signal Waveform Detector Using Synthetic FM Demodulation. Filed March 29, 1982, Patented March 14, 1984.

157. Patent 4,437,628: Position and Restraint System For Aircrewman. Filed June 29, 1979, Patented March 20, 1984.

158. Patent 4,438,203: Apparatus for Determination of Lubricant Stability. Filed June 14, 1982, Patented March 20, 1984.

159. Patent 4,438,517: Interferometrically Tuned Laser Resonator. Filed November 28, 1980, Patented March 20, 1984.

160. Patent 4,439,269: Contamination-Free Interfaces Utilizing a ZNO Contact Insulator. Filed September 30, 1982, Patented March 27, 1984.

161. Patent 4,439,770: Cascaded Adaptive Loops. Filed June 23, 1976, Patented March 27, 1984.

162. Patent 4,440,498: Optical Fiber Gyroscope With (3x3) Directional Coupler. Filed November 13, Patented April 3, 1984.

163. Patent 4,441,173: Very Low Frequency Hydrophone Calibration. Filed March 17, 1982, Patented April 3, 1984.

164. Patent 4,441,237: Inhomogenous Anistropic Kinetic Energy Penetration. Filed April 1, 1980, Patented April 10, 1984.

165. Patent 4,442,350: A Sensitive Fiber Optic Sensor. Filed August 17, 1981, Patented April 10, 1984.

166. Patent 4,443,765: A Digital Multi-Tapped Delay Line With Automatic Time Domain Programming. Filed September 18, 1981, Patented April 17, 1984.

167. Patent 4,444,085: Pneumatic Launcher System. Filed January 25, 1982, Patented April 24, 1984.

168. Patent 4,444,425: Cylindrical Object Recovery Device. Filed September 2, 1981, Patented April 24, 1984.

169. Patent 4,445,207: Frequency Independent Acoustic Antenna. Filed April 4, 1977, Patented April 24, 1984.

170. Patent 4,445,361: System For Detection of Transducer Defects. Filed September 30, 1982, Patented May 1, 1984.

171. Patent 4,445,719: Release Mechanism For A Cylindrical Object Recovery Device. Filed September 2, 1981, Patented May 1, 1984.

172. Patent 4,445,780: Fiber Optic Rotation-Sensing Gyroscope with 3x2 Coupler. Filed March 1, 1982. Patented May 1, 1984.

173. Patent 4,446,363: Target For Optically activated Seekers and Trackers. Filed March 1, 1982, Patented May 1, 1984.

174. Patent 4,446,543: Optical Resonator Single-Mode Fiber. Filed July 7, 1979, Patented May 1, 1984.

175. Patent 4,446,544: Small Diameter, Low Frequency Multimode Hydrophone. Filed November 30, 1981, Patented May 1, 1984.

176. Patent 4,447,117: Gated Fiber Optic Transmission. Filed July 6, 1982, Patented May 8, 1984.

177. Patent 4,447,272: Method for Fabricating MNOS Structures Utilizing Hydrogen Ion Implantation. Filed November 22, 1982, Patented May 22, 1984.

178. Patent 4,447,776: Pulse Driver for Flux Gate Magnetometer. Filed April 24, 1981, Patented May 8, 1984.

179. Patent 4,448,569: Lift Sling Emplacement Device. Filed June 22, 1981, Patented May 15, 1984.

180. Patent 4,449,068: Sonar Compensation Transformer. Filed September 22, 1983, Patented May 15, 1984.

181. Patent 4,449,211: Low-Drag Body Conformal Acoustic Array. Filed July 6, 1982, Patented Mau 15, 1984.

182. Patent 4,450,041: Chemical Etching of Transformed Structure (CETS). Filed June 21, 1982, Patented May 22, 1984.

183. Patent 4,450,444: Stepped Frequency Radar Target Imaging. Filed May 29, 1981, Patented May 22, 1984.

184. Patent 4,453,039: Expendable Infrared Source and Method Therefor. Siled July 6, 1983, Patented June 6, 1984.

185. Patent 4,453,426: Pivotal Mono Wing Cruise Missile With Wing Deployment and Fastener Mechanism. Filed April 29, 1982, Patented June 12, 1984.

186. Patent 4,455,961: Overboarding Fixture. Filed June 25, 1982, Patented June 26, 1984.

187. Patent 4,458,250: 360-Degree Scanning Antenna. Filed June 5, 1981, Patented July 3, 1984.

188. Patent 4,459,547: A Method and Apparatus For Precise Measurement of Long-Term Stability of Photo-Detectors. Filed May 1, 1981, Patented July 10, 1984.

Dated: October 12, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84-27877 Filed 10-22-84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Office of Civilian Radioactive Waste Management

Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; 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: Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

Date and Time: November 13—8:30 a.m.–5:00 p.m. November 14—8:30 a.m.–4:00 p.m.

Place: U.S. Department of Energy, Forrestal Building, Room 6E069, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: Harold H. Brandt, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 252-1652.

Purpose of the Panel

To study and report to the Department of Energy on alternative approaches to managing the construction and operation of civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The Panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach, but will not address the specific siting of radioactive waste facilities.

Tentative Agenda:

November 13

- 8:30 a.m.—Review and editing of Final Report Draft.
- 2:30 p.m.—Remarks by the Secretary of Energy.
- 3:30 p.m.—Further review of Final Report Draft.
- 4:00 p.m.—Public Comment (10 minute rule).

November 14

- Continued review of Final Report Draft.
- Discuss arrangements for production and distribution of the Final Report.
- Public Comment (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Harold Brandt at the address or telephone number listed above. Requests must be received five days prior to the meeting and resonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on October 18, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-27963 Filed 10-22-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 84-12-NG and 84-11-NG]

Natural Gas Imports; Cascade Natural Gas Corp. and Northwest Natural Gas Co.; Application To Import Natural Gas From Canada; Corrections

[ERA Docket No. 84-12-NG] Natural Gas Imports; Cascade Natural Gas Corp.; Application To Import Natural Gas From Canada; Correction

ACTION: Notice of Application for Authorization to Import Natural Gas from Canada; correction.

[ERA Docket No. 84-11-NG] Natural Gas Imports, Northwest Natural Gas Co.; Application To Import Natural Gas From Canada; Correction.

SUMMARY: This document corrects a typographical error contained in two Notices of Application which were published October 17, 1984 (49 FR 40643 and 49 FR 40644).

FOR FURTHER INFORMATION CONTACT:
Robert Groner, Natural Gas Division, Office of Fuels Programs, [202] 252–9482.

Accordingly, the Natural Gas Division is correcting "Mcf" to "MMcf" wherever it appears.

Issued in Washington, D.C., on October 17, 1984.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84–27884 Filed 10–22–84; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 84–13–NG]

Natural Gas Imports; St. Lawrence Gas Company, Inc.; Application To Increase Daily Volume of Natural Gas Imported From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application to Increase the Daily Volumes of Natural Gas Imported from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on October 10, 1984, of an application from St. Lawrence Gas Company, Inc. (St. Lawrence) to amend its existing import authorization to increase its maximum daily volumes of natural gas to be imported from 43,000 Mcf to 50,000 Mcf during its contract year ending October 31, 1985. The gas will be imported from Niagara Gas Transmission Limited (Niagara) on an interruptible, best-efforts basis at a price of $4.40 (U.S.) per MMBtu. St. Lawrence requests that authorization be granted by November 30, 1984.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of interventions, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on November 23, 1984.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8162

Diane J. Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: St. Lawrence is an intrastate gas distribution system serving residential, commercial, and industrial customers in St. Lawrence County, New York, near the Canadian border. It currently purchases and imports all of its natural gas from an affiliate, Niagara Gas Transmission Limited (Niagara), a Canadian corporation. Niagara purchases its gas from TransCanada Pipelines Limited (TransCanada). Under its current authorization granted in DOE/ERA Opinion and Order No. 33 (1 ERA 70,532, *Federal Energy Guidelines*, June 22, 1981), St. Lawrence may import up to 9.7 Bcf of natural gas on an annual basis and a daily maximum of 43,000 Mcf.

St. Lawrence here seeks only to increase its maximum daily import volume to 50,000 Mcf for its contract year ending October 31, 1985. No other provisions of the existing import authorization are requested to be changed.

The applicant states that the requested increase in the authorized daily maximum would enable it to satisfy fully the demands for firm service and for expanded interruptible load when supplies are available during the forthcoming contract year. The applicant asserts that due to increased marketability of its gas in relation to alternative fuels in its service area, it estimates that, unless the requested increase in daily volumes is authorized, it will be required to curtail service to interruptible customers for possibly 15 to 20 days during the 1984–85 winter season. Without the proposed increase, those interruptible customers are likely to shift to imported fuel oil at approximately $5.13 per MMBtu equivalent (compared to about $4.32 per MMBtu for gas) during the curtailment period and possibly beyond.

On August 29, 1984, TransCanada agreed to supply Niagara up to 10,000 Mcf per day of additional gas on an interruptible, best-efforts basis for the contract year ending October 31, 1985. The contract provides for a maximum volume of approximately 200,000 Mcf of additional gas, and is designed specifically to accommodate the additional daily volumes requested in St. Lawrence's application.

St. Lawrence supports its application by asserting that the improved marketability of its gas in relation to alternative fuels, primarily imported fuel oil, has demonstrated a need for increased daily volumes to fully satisfy all its customer's anticipated demands during the coming year. Further, the applicant states that under its current approved method of monthly volume allocation for the Canadian Volume Related Incentive Price (VRIP) program, the requested increased daily volumes can be expected to increase the volumes to which the lower $3.40 per MMBtu price can be applied resulting in greater savings to its customers. The applicant asserts that this could result in an average unit cost of gas lower than $4.40 (U.S.) per MMBtu for those months in which takes exceed the pertinent base quantity. Finally, St. Lawrence reiterates that its ability under its existing contract to take any daily volume up to the contract maximum without penalty and the absence of any take-or-pay or minimum annual bill obligations provide a competitive, flexible import arrangement that is in the public interest.

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should address their comments to the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–033–B, RG–43, Forrestal Building, 1000

Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., November 23, 1984.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of St. Lawrence's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on October 16, 1984.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-27863 Filed 10-22-84; 8:45 am]

BILLING CODE 6450-01-M

Record of Decision for Baltimore Gas & Electric Company, Brandon Shores Generating Station Units 1 and 2

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Decision to Issue Final Prohibition Orders for Brandon Shores Units 1 and 2.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR Part 1505) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969 and the Department of Energy's (DOE) NEPA guidelines (45 FR 20694, March 28, 1980), the Economic Regulatory Administration (ERA) of DOE is issuing a Record of Decision on the environmental impact statement (EIS) prepared for Brandon Shores Generating Station Units 1 and 2.

Decision

The DOE will finalize and issue prohibition orders for Units 1 and 2 of the Brandon Shores Generating Station, located in Anne Arundel County, Maryland as requested by the Baltimore Gas & Electric Company (BG&E). The final orders will prohibit using either natural gas or petroleum as the primary energy source for the two units.

Project Description

On November 9, 1979, DOE issued proposed prohibition orders to BG&E for Brandon Shores Generating Station Units 1 and 2 under the Powerplant and Industrial Fuel Use Act of 1978 (FUA) as amended. The Omnibus Budget Reconciliation Act of 1981 (OBRA) amended FUA to allow powerplant owners and operators to certify to FUA's required technical and economic feasibility findings, and allowed utilities with outstanding FUA orders to elect continued coverage under the original provisions of that act. BG&E exercised the option to elect continued coverage. The final prohibition orders will prohibit BG&E from using either natural gas or petroleum as primary energy source in the affected units. Unit 1 has been completed and is prepared to begin burning coal in compliance with the Clean Air Act. Unit 2 is projected to be completed by 1988.

DOE published a Draft Environmental Impact Statement (DEIS) (DOE/EIS-0105-D) in December 1983 and Final Environmental Impact Statement (FEIS) in July 1984 (DOE/EIS-0105-F).

Description of Alternatives

In the EIS, DOE has assessed the environmental impacts of:

A. No DOE action, i.e., no prohibition order—BG&E elects to burn oil to meet applicable emission limits.

B. DOE issues prohibition order—BG&E elects to convert to another fuel (low sulfur coal).

Additional fuel scenario alternatives considered as potential major energy sources in the B option were high-sulfur coal with the use of a flue gas desulfurization system (FGD) to meet the emission limits applicable to oil, and a modified coal-conversion in which SO_2 emissions at Brandon Shores would vary between units and FGD would be used in one unit.

Fuels other than coal considered as potential major energy sources include natural gas, coal-oil, coal-natural gas, refuse derived fuel RDF oil and RDF natural gas. No one of these is considered preferable to the use of low sulfur coal because they are either not available in sufficient quantities or because they necessitate additional construction, transportation, storage, or create environmental concerns.

The "no action" alternative could be considered the "environmentally preferred" since it leads to slightly fewer impacts on air quality. The impacts due to either alternative are well within the limits defined in the Clean Air Act.

The major issues of concern in the environmental impact assessment were air and water quality, land use and solid waste disposal. Impacts such as fugitive dust, noise, and storage of fuel were of lesser significance.

Air Quality

Conversion to coal will cause slightly negative impacts due to the increased particulate and sulfur dioxide emissions. However, all applicable ambient air quality standards will be met, and the increases are well within the allowable Prevention of Significant Deterioration increments.

Water Quality

The Brandon Shores Generating Station will operate under a National Pollutant Discharge Elimination System (NPDES) permit.

Conversion to coal will require a coal pile and ash disposal which increases the potential for contamination of groundwater. BG&E has obtained the necessary dredge permit for the Patapsco River with appropriate dredge spoils disposal. The constituent levels in water discharged from the disposal site into the underlying groundwater are regulated in the water certificate issued to BG&E.

Land Use and Solid Waste Disposal

BG&E has acquired two tracts of land of about 500 acres close to the Brandon Shores Units to place fly ash produced from coal burning. The tracts are sufficient to hold ash produced for the remaining useful life of Brandon Shores.

It has been determined through environmental analysis that no adverse environmental impacts will occur for the conditions evaluated because of

favorable hydrogeologic site conditions and the low concentrations of leachate constituents.

Mitigation

BG&E is incorporating several mitigation measures to preserve the environment. Impacts from particulate fugitive dust emissions will be mitigated through the use of improved coal handling and storage methods. Groundwater contamination will be minimized with the use of an existing clay liner and optimized design and operation of the disposal site to minimze leaching and runoff problems. In addition, an extensive fly ash management program is being developed to utilize fly ash as a structural landfill to develop a light industrial and office park.

Basis for Decision

BG&E is desirous of converting Brandon Shores Units 1 and 2 as evidenced by its completion of Brandon Shores Unit 1 in Spring 1984.

Conclusion

While the no-action alternative can be described as environmentally preferred (40 CFR 1505.2) since there may be less of an impact on air quality, the banefits derived from this conversion have been balanced against the potential environmental impacts. In addition, reasonably available alternatives have been considered. As a result of these evaluations, the proposed conversion to coal is the preferred alternative of the EIS, and DOE will issue the final prohibition orders to Brandon Shores Units 1 and 2.

Issued in Washington, D.C. on October 17, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-27865 Filed 10-22-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER84-707-000]

AEP Generating Co.; et al; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on September 28, 1984, American Electric Power Service Corporation (AEP) tendered for filing as an initial rate schedule an Agreement dated October 1, 1984, among AEP Generating Company (AEG), Appalachian Power Company (APCO), Indiana & Michigan Electric Company (I&ME), and Virginia Electric and Power Company (VEPCO). Included in this Agreement are four services which are intended by the parties to provide, at an economical cost, a portion of the expected power and energy requirements of VEPCO in a manner that is expected to be beneficial to each of the parties and their customers. The four services include: (1) AEP System Power and Energy, (2) Rockport Unit Power and Energy, (3) AEP System Supplemental Power and Energy, and (4) Transmission Service.

AEP System Power and Energy is a commitment by the AEP Parties to furnish 400 MW of firm power to VEPCO from January 1, 1985 through December 31, 1986. Rockport Unit Power and Energy provides for the sale of AEG and I&M to VEPCO of approximately 455 MW from Rockport Unit No. 1, from January 1, 1987 through December 31, 1999. Transmission Service provides for I&ME to receive up to 400 MW of power and associated energy from Public Service Company of Indiana, Inc. and to deliver through its affiliate APCO, such power and energy to VEPCO. The original generator of this power and energy is Hoosier Energy Rural Electric Cooperative, Inc. The proposed duration of transmission service is from October 1, 1984 through December 31, 1999.

The parties have requested an affective date of October 1, 1984 for the proposed Agreement and have requested waiver of the Commission's rules and regulations to permit the Agreement to become effective on less than 60 days notice.

Copies of the filing were served upon the Public Service Commission of Indian, the Michigan Public Service Commission, the Virginia State Corporation Commission, and the Public Service Commission of West Virginia.

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 October 26, 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. 84-27938 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-21-000]

Boston Edison Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 5, 1984 Boston Edison Company (Edison) tendered for filing a notice of cancellation of Rate Schedule FPC No. 70. Edison states that the rate schedule to be cancelled is an agreement between Public Service Company of New Hampshire (PSNH) and Edison pertaining to PSNH's purchase of capacity and related energy from Edison's system.

Edison requests an effective date of October 4, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon the Public Service Company of New Hampshire.

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 October 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 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. 84-27939 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-29-000]

Cambridge Electric Light Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Cambridge Electric Light Company (Cambridge) tendered for filing a notice of termination for its currently effective

Rate Schedule FPC No. 24. Said rate schedule consists of a wheeling agreement dated March 1, 1972, by and between New England Utilities and Consolidated Edison Company of New York, Inc.

Rate Schedule FPC No. 24 was originally accepted for filing in Federal Power Commission Docket No. E–7822 and terminated by its own provisions on October 31, 1976.

Cambridge requests an effective date of October 31, 1976, and therefore requests waiver of the Commission's notice requirements.

A copy of this filing has been served upon Consolidated Edison Company of New York, 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, 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 November 2, 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. 84–27940 Filed 10–22–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–22–000]

Central Maine Power Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 5, 1984, Central Maine Power Company (Central Maine) tendered for filing a service contract between Central Maine and Fox Islands Electric Cooperative, Inc. (Fox Islands) for wholesale electric service to Fox Islands under Central Maine's Tariff W–1.

Central Maine states that the instant contract cancels and supersedes the previous contract with Fox Islands which was entered into on August 11, 1976 and designated as FPC Schedule No. 56. Central Maine further states that all principal conditions of service remain the same. The instant contract includes several new provisions to clarify rights and obligations of the parties regarding metering, maintenance of facilities and ownership of Central Maine's property on Fox Islands' premises. The instant contract also reflects a recent transfer of ownership of former Central Maine mainland facilities to Fox Islands.

Central Maine requests an effective date of June 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Fox Islands, the Maine Public Utilities Commission and the Maine Public Advocate.

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 October 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 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. 84–27941 Filed 10–22–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–20–000]

El Paso Electric Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 4, 1984, El Paso Electric Company (EPE) tendered for filing a Service Schedule C—Wheeling Service dated August 30, 1984. This Service Schedule provides a general framework for the provision of Wheeling Services between EPE and Texas-New Mexico Power Company. EPE states this Service Schedule will supersede Supplement No. 3 to Rate Schedule FERC No. 36. EPE has requested that this Service Schedule be accepted for filing and made effective on August 30, 1984, and that waiver of the notice provisions and other requirements of the Commission's regulations be granted as appropriate.

EPE further states that copies of this filing have been served the Public Utility Commission of Texas, the New Mexico Public Service Commission, and Texas-New Mexico Power Company.

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 October 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 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. 84–27942 Filed 10–22–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–15–000]

Florida Power & Light Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 5, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled Amendment Number Six to Agreement to provide specified transmission service between FP&L and the City of St. Cloud, Florida (Rate Schedule FERC No. 63).

FP&L states that under Amendment Number Six, FP&L will transmit power and energy for City of St. Cloud as is required in the implementation of its interchange agreement with Jacksonville Electric Authority.

FP&L requests waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

FP&L states that copies of the filing were served on the City of St. Cloud.

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 October 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 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. 84-27943 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-16-000]

Florida Power & Light Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 3, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled Amendment Number Five to Agreement to provide specified transmission service between FP&L and the City of Kissimmee, Florida (Rate Schedule FERC No. 65).

FP&L states that under Amendment Number Five, FP&L will transmit power and energy for City of Kissimmee, Florida as is required in the implementation of its interchange agreement with City of Starke, Florida.

FP&L requests waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

Copies of the filing were served upon Kissimmee.

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 October 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 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. 84-27944 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-2-000]

Gulf States Utilities Co.; Application

October 18, 1984.

Take notice that on October 11, 1984, Gulf States Utilities Company (Applicant) filed an application seeking an order under Section 204(a) of the Federal Power Act authorizing the Applicant to issue up to 250,000 Additional Shares of Common Stock, without par value, pursuant to its Payroll Tax Credit Employee Stock Ownership Plan, and for exemption from competitive bidding requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1984, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). The application is on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-27945 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-24-000]

Iowa Power and Light Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Iowa Power and Light Company (Iowa) tendered for filing a Rate Schedule between Iowa and Union Electric Company (Union), dated September 14, 1984.

Iowa states that the Schedule provides for the sale of firm power and energy from Iowa Power to Union between September 2, 1984 and September 8, 1984.

Iowa requests that the Commission waive its prior notice requirements and accept the Schedule for filing with an effective date of September 2, 1984.

Copies of this filing were served upon each affected party and the Iowa State 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, 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 November 1, 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. 84-27946 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-28-000]

Iowa Public Service Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Iowa Public Service Company (Iowa) tendered for filing a letter agreement extending the Limited Term Firm Service Interchange Agreement, dated August 3, 1984, under which Iowa supplies firm electric capacity to Union Electric for an additional one-week period, commencing September 2, 1984 and ending September 8, 1984.

Iowa requests an effective date of September 2, 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, 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 November 2, 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. 84-27947 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-267-004 and ER81-341-006]

Kentucky Utilities Co.; Refund Compliance Filing

October 18, 1984.

Take notice that on September 17, 1984, Kentucky Utilities Company (the Company) submitted for filing its refund compliance report pursuant to the Commission's Order of August 17, 1984.

The Company states that it has refunded to its Kentucky Municipal customers the respective amounts

collected from rates specified in the May 7, 1984 compliance filing. Interest is included at the applicable average prime rate for each calendar quarter.

Further, the company states that it has also submitted a compliance report showing for each customer monthly billing determinants, revenue receipts date, and revenues under the prior, present and compliance rates, the monthly revenue refund and the monthly interest computed, together with a summary of such information for the total refund period.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 26, 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. 84-27948: Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-1-000]

Magma Copper Co.; Petition for Adjustment

Issued: October 18, 1984.

On October 5, 1984, Petitioner, Magma Copper Company, P.O. Box M, San Manuel, Arizona 85631, filed with the Federal Energy Regulatory Commission (Commission) a petition for an adjustment under rules issued under section 201(a) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3423 (1982) wherein Magma Copper Company would be exempted from paying incremental pricing surcharges attributable to gas consumed at Magma Copper's San Manuel copper mining, smelting and refining facility in Pinal County, Arizona. Petitioner also requests interim relief in the form of an adjustment for the billing month of October 1984, and until such time as its application for temporary relief is ruled upon.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-27949 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-27-000]

PacificCorp, doing business as Pacific Power & Light Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, PacificCorp, doing business as Pacific Power & Light Company (Pacific) tendered for filing changes and additions to Exhibits B, C and D of the General Transfer Agreement, Contract No. DE-MS79-82BP0049, between Pacific and the Bonneville Power Administration (Bonneville). Such changes and additions reflect transfer services by Pacific to Bonneville for Emerald's People Utility District.

Pacific requests an effective date of November 17, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to Bonneville and to the Public Utility Commissioner of Oregon.

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 November 2, 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. 84-27950 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-30-000]

Public Service Co. of Indiana, Inc.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Public Service Company of Indiana, Inc. (PSCI) tendered for filing a Transmission Agreement for Unit Power and Energy between PSCI and Virginia Electric and Power Company (VEPCO) to become effective October 1, 1984.

PSCI states that said Agreement provides that PSCI shall make available transmission capacity (138,000 volts and above) for, and shall transmit, unit capacity and associated energy from the point(s) of interconnection of Hoosier Energy Rural Electric Cooperative, Inc. to the point(s) of interconnection of another utility.

PSCI requests an effective date of October 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Virginia Electric and Power Company, State Corporation Commission (Virginia), Public Service Commission of West Virginia, North Carolina Utilities Commission and the Public Service Commission of Indiana.

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 November 2, 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. 84-27951 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-18-000]

Southwestern Electric Power Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 4, 1984, Southwestern Electric Power Company (SWEPCO) tendered for filing an Interconnection Agreement between SWEPCO and Oklahoma Gas and Electric Company (OG&E) which provides for the addition of a third 161 kV interconnection between the two systems, the Fort Smith-Huntington, Arkansas-North Magazine, Arkansas

Interconnection. SWEPCO states that transactions across the new interconnection will continue to be made under the terms of the April 30, 1981 Interconnection Agreement between SWEPCO and OG&E, on file with the Commission.

SWEPCO proposes that the Interconnection Agreement be made effective as of July 11, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to OG&E, the Oklahoma Corporation Commission and the Arkansas 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, 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 October 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 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. 84-27952 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-19-000]

Southwestern Electric Power Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 4, 1984, Southwestern Electric Power Company (SWEPCO) tendered for filing an Interchange Agreement by and among Associated Electric Cooperative, Inc. (Associated), the Empire District Electric Company (EDE), Grand River Dam Authority (GRDA), SWEPCO and the Board of Public Utilities of Springfield, Missouri (City Utilities) for the GRDA Coal Plant-Flint Creek Power Plant-Brookline-Morgan, 345 Kilovolt Interconnection. SWEPCO proposes that the Interchange Agreement be made effective as of November 1, 1984. SWEPCO states that the Interchange Agreement defines the responsibility of each party with respect to the construction, operation and maintenance of that portion of the line within its respective service area and the terms of conditions under which the parties will exchange replacement, emergency, economy and system energy and unit participation power.

Copies of the filing have been sent to Associated, GRDA, EDE, City Utilities, the Arkansas Public Service Commission, the Oklahoma Corporation Commission, the Missouri Public Service Commission and the State Corporation Commission of Kansas.

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 October 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 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. 84-27953 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-17-000]

Texas-New Mexico Power Co.; Filing

October 18, 1984.

The filing Company submits the following:

Take notice that on October 4, 1984, Texas-New Mexico Power Company (TNP) tendered for filing an "Interchange Agreement between El Paso Electric Company and TNP, Service Schedule C, Wheeling Services" dated August 30, 1984. This Service Schedule C provides for wheeling services to be rendered by TNP and by El Paso Electric Company (EPE) for each other. Section 3 of Service Schedule C provides that TNP is to provide certain firm and interruptible wheeling services for EPE.

TNP states that the original Service Schedule C of the December 8, 1981 Interchange Agreement between EPE and TNP provided for wheeling service by EPE to TNP but did not provide for TNP to wheel for EPE. Hence, the new Service Schedule C, which supersedes the earlier version, provide for the first time for TNP wheeling service to EPE. TNP proposes an effective date of December 4, 1984 for TNP's wheeling obligations under the new Service Schedule C.

Copies of this filing were served on the Public Utility Commission of Texas, the New Mexico Public Service Commission, and EPE.

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 October 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 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. 84-27954 Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-517-001]

Utah Power & Light Co.; Compliance Filing

October 18, 1984.

Take notice that on September 28, Utah Power & Light Company (Utah P&L) submitted for filing in accordance with the directives issued under the above docket number, a transmission agreement between CP National Corporation (formerly California-Pacific Utilities Corporation) and the U.S. Bureau of Reclamation. This filing was made by Utah Power as a successor in interest to the Agreement which had been previously filed by CP National, as Rate Schedule FPC No. 2. This filing does not change the rates or terms of the original agreement and the services remains unaffected.

Further, Utah P&L has filed the required cost of service data in support of their filing in Docket No. ER84-517-000 of the contract for transmission service with the City of Hurricane, Utah.

Notice of this filing was served upon the Western Area Public Power Administration, CP National Corporation, and the Utah 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 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 October 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 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. 84-27955; Filed 10-22-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board, Clean Coal Use Technology Panel; Open Meeting

Notice is hereby given of the following meeting:

Name: Clean Coal Use Technology Panel of the Energy Research Advisory Board (ERAB).

Date and Time: November 14, 1984 from 9 a.m. to 5 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 4A-110, Washington, DC 20585.

Contact: Charles E. Cathey, U.S. Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-5444.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tenative Agenda:

- To review draft chapters prepared by Panel members for a report on Clean Coal Utilization, as follows:

1. Pre-combustion Technology
2. Combustion
   a. Pulverized Coal Combustion
   b. Fluidized Bed Combustion
   c. 2-Scope Combustion (pre-gasification)
3. Post-combustion Clean-up

- Public Comment (10 minute rule).

Public Participation. The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying in the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 17, 1984.

Charles E. Cathey,

Deputy Director, Science and Technology Affairs Staff, Office of Energy Research.

[FR Doc. 84-27964 Filed 10-22-84; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of September 24 Through October 5, 1984

During the period of September 24 through October 5, 1984, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: October 11, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

[HEE-0100]

Harry Jacobs & Associates, Inc.; Chattanooga, TN; Reporting Requirements

Harry Jacobs & Associates, Inc. (Jacobs) filed an Application for Exception from the Energy Information Administration reporting requirements. The exception request, if granted, would relieve Jacobs from its obligation to file Form EIA-782B in the future. On October 1, 1984, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

[HEE-0095]

Ricks Exploration Co.; Oklahoma City, OK; Reporting Requirements

Ricks Exploration Company filed an Application for Exception from the Energy Information Administration reporting requirements. The exception request, if granted, would relieve the firm of the obligation to submit Form EIA-23, "Annual Survey of Domestic Oil and Gas Reserves" for 1983 and subsequent years. On October 3, 1984, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 84-27962 Filed 10-22-84; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding $268,885.14 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving Wisconsin Industrial Fuel Oils, Inc., a reseller-retailer of residual fuel oils located in Oak Creek, Wisconsin.

DATE AND ADDRESS: Applications for refund must be postmarked by January 21, 1985 should conspicuously display a reference to case number HEF-0199, and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The decision relates to a consent order entered into by Wisconsin Industrial Fuel Oil, Inc. which settled possible pricing violations in the firm's sales of Nos. 4, 5 and 6 fuel oils during the period August 19, 1973 through June 30, 1975.

Any members of the public who believe that they are entitled to a refund in this proceeding may file Applications for Refund. All Applications should be postmarked by January 21, 1985, and should be sent to the address set forth at the beginning of this notice. Applications for refunds in excess of $100 must be filed in duplicate and these applications will be made available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: October 12, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals,

October 12, 1984.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Wisconsin Industrial Fuel Oil, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF–0199.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals formulate and implement special procedures to make refunds in order to remedy the effects of actual or alleged violations of DOE regulations. *See* 10 C.F.R. Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable readily to ascertin the persons who were injured as a result of actual or alleged regulatory violations or the amounts that such persons should receive. For a more detailed discussion of Subpart V, see *Office of Enforcement,* 9 DOE ¶ 82,553 (1982).

Pursuant to the provisions of Subpart V, on October 13, 1983, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Center Fuel Company through its wholly-owned subsidiary Wisconsin Industrial Fuel Oil, Inc. (Industrial Oil). Industrial Oil is a "reseller-retailer" of residual fuel oils as that term was defined in 10 CFR 212.31, and is located in Oak Creek, Wisconsin. A DOE audit of the firm's records revealed possible pricing violations in the firm's sales of Nos. 4, 5, and 6 fuel oil to its customers during the period August 19, 1973 through May 31, 1976 (the audit period). In order to settle all claims and disputes between Industrial Oil and the DOE regarding the firm's sales of residual fuel oil during the audit period, on March 20, 1980, Industrial Oil and the DOE entered into a consent order in which the firm agreed to make direct refunds of $131,114.66 to its industrial and institutional customers. In addition, Industrial Oil agreed to pay $268,885.14 to the DOE in settlement of the firm's potential liability arising from sales to its jobber class of purchaser during the audit period. Notice of the consent order was published in the **Federal Register.** 45 FR 72 (April 11, 1980). Thus far, Industrial Oil has made 53 of the 60 monthly installment payments due by March 1985. As of July 31, 1984, the Industrial Oil escrow account contained $286,856, including accrued interest. This decision concerns the distribution of the monies currently in escrow, all additional Industrial Oil payments, and the accrued interest.

On March 26, 1984 we issued a Proposed Decision and Order which tentatively set forth procedures to distribute refunds to parties who were injured by Industrial's alleged violations in sales of Nos. 5 and 6 fuel oil during the period August 19, 1973 through June 30, 1975.[1] *Wisconsin Industrial Fuel Oil, Inc.,* No. HEF-0199 (March 26, 1984) (proposed decision). The proposed decision was published in the **Federal Register** on April 6, 1984 and comments on the proposed refund procedures were due to be submitted within 30 days of publication. 49 FR 13740 (1984).

This decision establishes procedures for filing claims in the first stage of the Industrial Oil proceeding. We will describe the information that a purchaser of Industrial Oil products should submit in order to demonstrate that it is eligible to receive a portion of the consent order funds. In establishing these requirements, we will address comments filed in response to the proposed decision. We will not, however, determine procedures for a second stage of the refund process in this decision. Our determination concerning the disposition of any remaining funds will necessarily depend on size of the fund. It is therefore premature for us to address the issues raised by commenters regarding the disposition of any funds remaining after all the first-stage claims have been paid.

I. Jurisdiction

We have considered ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the Industrial Oil consent order funds. In our proposed decision and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See, e.g., Office of Enforcment,* 9 DOE ¶ 82,553 at 85,248 (1982). We have received no comments challenging our authority to fashion special petition and assume jurisdiction over the distribution of the Industrial Oil consent order funds.

II. First-Stage Refund Procedures

A. Refunds to Injured Parties

In the proposed decision, we described a two-stage process for distribution of the funds made available pursuant to the Industrial Oil consent order. Specifically, we proposed to disburse funds in the first stage to claimants who could demonstrate that they were adversely affected by Industrial Oil's alleged overcharges during the consent order period. We suggested that these first-purchasers were most likely the customers identified in the audit schedule which was reproduced in the proposed decision. This schedule apportioned the entire escrow account to jobber purchasers identified during the DOE audit. As we have stated in previous cases, the information contained in a DOE audit file, while not conclusive, is often useful in formulating refund procedures. *See, e.g., Armstrong & Associates/City of San Antonio,* 10 DOE ¶ 85,050 at 88,259–63 (1983). This proceeding involves an audit which was narrow in scope, a consent order which was limited to the same products and time period as the audit, and a relatively small number of purchasers of the consent order firm's products, all or most of whom are identified in the audit file. Under these circumstances, "the information contained in the . . . audit file can be used for guidance in fashioning a refund plan." *Marion Corp., 12 DOE ¶ 85,014 at 88,031 (1984).*

Documenting purchases of Industrial Oil products is only the first step in qualifying for a refund. An applicant generally will also be required to establish that it absorbed the alleged overcharges and was thereby injured. To make this showing, a reseller or retailer claimant will be required to

show that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Office of Enforcement,* 10 DOE ¶ 85.029 at 88,125 (1982). In addition, it will have to demonstrate that, at the time it purchased the product from Industrial Oil, market conditions would not permit it to pass through the additional costs associated with the alleged overcharges.

On the basis of the information in the record when the proposed decision was issued, we were inclined to distribute the money in the Industrial Oil escrow account in accordance with the audit schedule. We recognized, however, that other parties not identified by the DOE audit might be entitled to a portion of the consent order fund and stated that we would consider claims from any individual or firm which could show that it purchased any product covered by the consent order.

Since the issuance of the proposed decision, a number of additional claimants who were not identified during the DOE audit have filed comments and indicated that they intend to apply for refunds. Due to the subsequent increase in the number of potential claimants, the disbursement schedule contained in the proposed decision can no longer be used as the sole mechanism for determining refund amounts. Therefore, we have decided to modify our proposed decision by incorporating a "volumetric method" into the Industrial Oil refund procedures. Under this approach, a per gallon amount will be calculated which allocates a portion of the consent order amount to each gallon of covered product which an applicant purchased. The per gallon figure is calculated by dividing the settlement amount by the total gallonage of products covered by the consent order. The volumetric refund amount to be used in these proceedings is $.001550 per gallon.(*2*).

The mechanism to be used for calculating refunds is as follows: If an applicant identified during the audit would be entitled to a greater percentage of the funds using the audit schedule approach rather than a pure volumetric approach, we will direct a refund of this larger amount. Any customers not referred to in the audit file and any of the identified customers who would be eligible for a larger refund based on the volumetric approach may file applications for refunds calculated on that basis. We will not process any refund claims in this proceeding until the deadline for applications has passed. The aggregate amount of successful claims processed will ultimately determine the exact amount of the refund each Industrial Customer will receive.(*3*)

In view of the time that has elapsed since the Industrial Oil consent order period, it is possible that some of the firms identified in the audit schedule ("identified firms") may have difficulty certifying their purchase volumes during that period. *See Marion* at 88,029. We have therefore determined that, if an identifying firm makes a showing that it is excessively difficult for it to retrieve information on the exact volume of products which it purchased from Industrial Oil and the firm's claim is limited to the refund amount specified in the audit disbursement schedule, it will not be required to submit volume information. Any firm in this category must explain why such documentation of volumes is not available, and must also certify that it was a purchaser of Industrial Oil products during the consent order period.

In our proposed decision, we suggested that any firm requesting a refund of $25,000 or less should be presumed to have been injured and relieved of the requirement that it submit any further evidence of injury. In comments received from two states, it was argued that this threshold level for the presumption of injury was too high and was not supported of past precedent. We have decided that these comments raise valid concerns, and we have decided to set a lower monetary value for this threshold. Therefore, those applicants who seek a refund of $5,000 or less (or who wish to limit their claims to this amount) will not be required to submit any further evidence of injury in order to receive refunds. This threshold will apply to refunds calculated either by the volumetric approach or by using the audit schedule. In the case of applicants who were not identified in the audit schedule, the $5,000 refund is equivalent to a purchase level of 93,760 gallons per month or below.

We will, however, adopt a rebuttable presumption that spot purchasers did not suffer any injury. We have previously noted that spot purchasers "tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases . . . at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers". *Office of Enforcement, 8* DOE ¶ 82,579 at 85,396–97 (1981). We believe the same rationale holds true in the present case. We emphasize, however, that this presumption can be rebutted by a spot purchaser who submits sufficient evidence that establishes that it was unable to recover the costs of Industrial Oil products covered by this decision. *See Office of Special Counsel,* 10 DOE ¶ 85,048 at 88,200 (1982).

In addition, we will adopt a presumption of injury for end-users. Unlike regulated firms in the petroleum industry, end-users of Industrial Oil products operated in an unregulated environment and they were not required to keep records which justified selling price increases by reference to cost increases. Without records of that nature, it would likely be impossible for us to determine whether an end-user could have passed on the alleged overcharges. For these reasons, special refund proceedings have not attempted to ascertain the impact of alleged overcharges on an end-user such as a firm manufacturing non-petroleum products or a governmental entity providing services to taxpayers. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.,* 10 DOE ¶ 85,072 (1983). We therefore will adopt a presumption that end-users of Industrial Oil petroleum products were injured by the alleged overcharges, and they may receive a pro rata (*i.e.* volumetric) refund by simply documenting their purchase volumes from Industrial Oil. Customers who purchased from a firm which purchased from Industrial Oil must also document the chain of distribution leading back to Industial Oil. *See Standard Oil Co. (Indiana)/Union Camp Corp.,* 11 DOE ¶ 85,007 (1983).

Finally, we will establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

B. Application for Refund Procedures

After having considered all the comments received concerning the first-stage procedures tentatively adopted in our March 26 proposed decision, we have concluded that applications for refunds should now be accepted from parties who purchased No. 5 or No. 6 fuel oil from Wisconsin Industrial Fuel Oil, Inc. The requirements for Applications for Refund are discussed below.

Applications must be postmarked within 90 days after publication of this

Decision and Order in the Federal Register. *See* 10 CFR 205.286. An application must be in writing, signed by the applicant, and specify that it pertains to the Industrial Oil Consent Order Fund, Case No. HEF-0199. If the applicant is not a direct purchaser from Industrial Oil, it should indicate from whom the No. 5 or No. 6 fuel oil was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from Industrial Oil.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. Any applicant who believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the information which the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application must also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. All applications should be sent to: Industrial Oil Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284 and the procedures set forth in this Decision and Order.

In order to assist applicants in establishing eligibility for a portion of the consent order finds, the following subjects should be covered in each application:

A. Each applicant should establish its volume of purchases for which it is claiming it was injured by the alleged overcharges. Any applicant listed in the Appendix who is unable to furnish this information but limits its claim to the amount proposed in the audit schedule should explain why this information is not available.

B. Each applicant should specify how it used the Industrial Oil product—*e.g.*, whether it was a reseller or ultimate consumer.

C. If the applicant is a reseller who wishes to claim a refund in excess of $5,000 (under either the volumetric or *pro rata* methodologies), it should also

(i) State whether it maintained banks of unrecouped product cost increases from the date of the alleged violation until the product was decontrolled. It should furnish OHA with quarterly bank calculations.

(ii) State whether it or any of its affiliates have filed any other applications for refunds in which they have referred to their banks to demonstrate injury.

(iii) Submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market surveys to show that price increases to recovered alleged overcharges were infeasible.

D. The applicant should report whether it is or has been involved as a party in any DOE or private Section 210 enforcement actions. If these actions have terminated the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pending of its application for refund. *See* 10 CFR 205.9(d).

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of Energy by Wisconsin Industrial Fuel Oil, Inc., pursuant to the consent order executed on March 20, 1980 may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the Federal Register.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dated: October 12, 1984.

Footnotes

(*1*) No. 4 oil was also covered in the consent order, but this product was only purchased by the industrial class of purchaser, which had already received direct refunds under the Industrial oil consent order. Since this product was not purchased by the jobber class of purchaser, it is not covered by the refund procedures established in this decision.

(*2*) This per gallon factor is computed by dividing the $268,885.14 available for distribution under the Industrial Oil consent order by 168,137,026.5 gallons, which represents Industrial Oil's total sales of covered products during the consent order period to the jobber class of purchaser.

(*3*) In the event that the amount of successful claims using this combination of approaches is greater than the amount of the consent order funds, we will adjust both the volumetric factor and the percentage of the funds to which a claimant would be entitled based upon the findings in the audit file to effect a pro rata distribution of the available funds among competing claimants.

APPENDIX

Customer	Portion of escrow account
Asphalt & Petroleum, 6111 E. Skelly Drive, Tulsa, OK 74133	$21,395.19
Control Energy Corporation, 9933 Lawler, Skokie, Illinois 60076	94,967.55
Moore Oil Company, 4033 W. Custer, Milwaukee, WI 53209	1,599.87
Tauber Oil Co., 1610 Melrose Bldg., Houston, TX 77002	1,121.25
Tripp Oil Company, 3085 Hiway 13, Eagan, MN 55121	22,961.60
Conoco, Inc., 10890 Benson Rd., Overland Park, KS 66210	91,910.32
E. J. Brick (address unknown)	13,409.30
Oils, Inc., 300 W. Washington St., Chicago, IL 60604	21,500.06
Total	$268,885.14

[FR Doc. 84-27935 Filed 10-22-84; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $140,761 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving Champlain Oil Company (Case No. HEF-0048) and Cibro Gasoline Corporation (Case No. HEF-0049.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the Federal Register and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to the applicable case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed

Decision relates to two Consent Orders entered into by the DOE and the following parties: Champlain Oil Company and Cibro Gasoline Corporation (the consent order firms). These Consent Orders settled possible pricing violations in the firms' sales of motor gasoline to customers during the consent order periods referred to in Appendix A to the Proposed Decision.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent order firms pursuant to the two Consent Orders. The DOE has tentatively decided that these consent order funds should be distributed to those customers of the consent order firms who establish that they were injured by the firms' alleged overcharges. Such customers will receive refunds proportionate to the volume of motor gasoline they purchased from the consent order firm. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the the proposed refunds procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: October 4, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 5, 1984.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firms: Champlain Oil Company; Cibro Gasoline Corporation.

Date of Filing: October 13, 1983.

Case Numbers: HEF–0048; HEF–0049.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that the OHA implement special refund proceedings to distribute the funds received pursuant to Consent Orders entered into by the DOE and two firms: Champlain Oil Company (Champlain) and Cibro Gasoline Corporation (Cibro) (collectively referred to in this Proposed Decision as the consent order firms).

I. Background

Each of the consent order firms is a "reseller-retailer" of "motor gasoline" as those terms were defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible pricing violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of motor gasoline. Each Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violations were made. Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability with respect to sales to their respective customers during the consent order periods. The firms' payments are currently being held in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts and the dates of the consent order periods are set forth in Appendix A to this Proposed Decision.

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*).

II. Proposed Refund Procedures

We have considered the ERA petition to implement Subpart V proceedings with respect to the two consent order funds and have determined that it is appropriate to establish such proceedings. In so far as possible, these consent order funds should be distributed to those customers of the consent order firms who absorbed (or where injured by) the consent order firms' price increases which allegedly were in violation of DOE regulations. The ERA audit files identify a number of customers that purchased motor gasoline directly from the consent order firms during the audit periods. Their names are set forth in Appendix B. (*1*) While no specific alleged overcharge amounts are indicated for these customers, in our view they may well have been adversely affected by these alleged overcharges and should be given notice of this proceeding and an opportunity to request a refund. (*2*) We also recognize, however, that there may be other purchasers of gasoline from the consent order firms who were not mentioned in the ERA audit files and who may have been injured by the pricing practices of one of the consent order firms during the relevant consent order period. We therefore propose to establish a claims procedure in which we will accept applications for refund from customers, including those not listed in Appendix B, who can demonstrate that they were injured as a result of any alleged overcharges made by one of the consent order firms during the appropriate consent order period.

Many of the consent order firms' customers listed in Appendix B appear to be petroleum product resellers, i.e., retailers and wholesalers. We propose that these firms and other claimants who resold the motor gasoline they purchased from one of the consent order firms be required to demonstrate that they did not pass on to their customers the price increases implemented by the firm. *see, e.g., Vickers.* In other words, resellers of a consent order firm's products will be required to demonstrate that during the relevant consent order period they would have maintained their prices for the gasoline at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller should generally demonstrate that at the time it purchased motor gasoline from a consent order firm, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges to its customers. In addition, the reseller must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.(*3*) The maintenance of a bank

will not, however, automatically establish injury. *See Tenneco Oil Co./ Cheveron U.S.A., Inc.*, 10 DOE ¶85,014 (1982); *Vickers Energy Corp./ Standard Oil Co.*, 10 DOE ¶85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶85,038 (1982).

We recognize that the type of showing referred to above may be too complicated and burdensome for resellers which purchased relatively small amounts of motor gasoline from a consent order firm. For example, some firms may lack all of the records necessary to prove that they did not pass through the alleged overcharges to their customers. Firms also may be discouraged from filing an application where the cost of compiling the necessary information is high relative to the amount of their potential refund. Therefore, after examining the records in each of the cases involved in this proceeding to assess the difficulty firms will have in gathering the data necessary to file an application, we propose that a reseller whose average monthly purchases of a consent order firm's motor gasoline during the relevant consent order period are less than or equal to the threshold level specified in Appendix A not be required to present a detailed showing of injury and be presumed to have been adversely affected by any alleged overcharges.(*4*) *See, e.g., Office of Special Counsel*, 9 DOE ¶82,538 (1982); *Vickers*. The threshold levels established in these cases vary because of different circumstances presented in each case. In determining each threshold, we have taken into consideration the difficulty resellers would have in compiling the records necessary to establish injury above the threshold level and the total amount of the refund which such firms would be entitled to receive at the threshold level. Specifically, we have considered the volumetric refund factor (see part III of the Decision), the length of time since the consent order period, and the number of months in the consent order period.(*5*) Applicants whose purchases fall below the threshold level need only submit information documenting the amount of motor gasoline purchased from the consent order firm during the appropriate consent order period in order to demonstrate injury and to receive a refund.(*6*)

Many of Cibro's customers listed in the ERA audit file are ultimate consumers (end-users) of the petroleum products they purchased from Cibro. Under the terms of the Cibro Consent Order, Cibro was required to refund $333,055 directly to these end-users. The $83,764 Cibro escrow account discussed int his Proposed Decision is, therefore, primarily intended for distribution to the firm's reseller and retailer customers. Accordingly, we propose that Cibro's end-user customers be ineligible for a further refund. However, any end-user of Cibro's motor gasoline who did not receive a direct refund from Cibro may apply for a refund in this proceeding.

Many of the customers listed in Appendix B–1 appear to be end-users of the petroleum products they purchased from Champlain. Our experience in prior refund proceedings leads us to conclude that these customers (as well as any eligible end-user customers of Cibro's) absorbed the consent order firms' alleged overcharges and have thereby been injured, since they did not resell the covered products they purchased, and they were not subject to federal energy regulations. *See Marion Corp.*, 12 DOE ¶ 85,014 (1984); *Standard Oil Co. (Indiana/Union Camp Corp.*, 11 DOE ¶ 85,007 (1983). We therefore propose that to receive a refund, these applicants only be required to submit information concerning the volume of their purchases from the consent order firm during the appropriate consent order period.

We also propose that firms that made only spot purchases from one of the consent order firms be presumed to have suffered no injury. They would therefore be ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firms' product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97; *see also Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982) (hereinafter cited as *Amoco*). The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that it is inappropriate to presume that in this case the firm had considerable discretion as to where and when it made the purchase(s) on which its refund claim is based.

III. Calculation of Refund Amounts

We must further determine the proper method for dividing each of the consent order funds among successful applicants. In many Subpart V proceedings we have based the refund amount on the volume of petroleum products which an applicant purchased from a consent order firm. *See Amoco; Vickers*. Under this method, we presume that the alleged overcharges were spread equally among all gallons of product sold which were covered by the consent order. We believe that generally this volumetric approach provides an equitable framework for refunds where the ERA audit file does not allege individual overcharge amounts for each of a firm's customers. *See Amoco*. The volumetric method also is easy to administer and allows applicants to compute readily the size of their potential refund and thereby make an informed choice on whether to file an application. Since in the present case the information available in the ERA audit files is insufficient to base refunds on the amount each individual applicant was allegedly overcharged, we propose to use the volumetric method to allocate the consent order funds.(*7*)

To determine the volumetric factor, each consent order fund will be divided by the estimated total volume of motor gasoline sold by the consent order firm during the relevant consent order period.(*8*) The volumetric refund amounts are set forth in Appendix A. In each case, this results in a refund amount for each gallon of motor gasoline which a applicant purchased from the consent order firm. The interest which has accrued on the money in each escrow account will be added to the refund to each successful claimant in proportion to the size of its refund.

We further propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Amoco; Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also*, 10 CFR 205.286(b).

Refund applications in these proceedings should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final decisions in the **Federal Register**, copies will be provided to the consent order firms' customers whose names

and addresses we have obtained from the ERA audit files. If appropriate, we also intend to publicize this proceeding in local newspapers in the areas where the consent order firms conducted business.

In the event that money remains after all first stage claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It Is Therefore Ordered That:

The refund amounts remitted to the Department of Energy by the consent order firms listed in Appendix A to this Decision and Order will be distributed in accordance with the foregoing Decision.

Footnotes

(1) We have been unable to find the addresses of 13 of Champlain's and two of Cibro's customers (see Appendix B). Although we will continue our efforts to notify these customers of this proceeding, we request that anyone knowing the location of these firms provide us with this information.

(2) One of the firms listed in Appendix B–1, Champlain Islands, appears to be affiliated with Champlain. We have previously adopted a rebuttable presumption that affiliates of a consent order firm experienced no injury as a result of the consent order firm's pricing practices. *See Aztec Energy Co.*, Case No. HEF–0032 (July 6, 1984) (Proposed Decision). Champlain Islands should therefore receive no refund in this proceeding.

(3) Most of the Cibro consent order period occurred subsequent to the amendment to the retailer price rule that eliminated the bank requirement for retailers. *See* 10 C.F.R. § 212.93(a)(2), 44 Fed. Reg. 42542 (July 19, 1979) (effective July 15, 1979). Accordingly, retailers who purchased from Cibro will not be required to submit bank information.

(4) As stated in previous Decisions, the purpose of the DOE special refund procedures is to provide an efficient and equitable mechanism for refunding money to parties who were injured by adjudicated or alleged overcharges. *See, e.g., Office of Enforcement*, 9 DOE ¶ 82,508 (1981). To this end, the DOE regulations governing special refund procedures provide that:

In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumption of injury with regard to resellers who purchased small volumes of the consent order firms' motor gasoline is consistent with these principles. It reduces the amount of information these firms must submit with their applications, operates to distribute refunds as widely as possible to the affected class, and reduces administrative costs of processing small claims.

(5) Because the per gallon volumetric refund amount in the case of Cibro is relatively high (seven cents per gallon) compared to those used in most other refund cases and because the consent order period is relatively recent (the last seven months of 1979), we have adopted a monthly threshold amount (25,000 gallons) which is less than the threshold used in most other refund cases. *See, e.g., Office of Enforcement*, 9 DOE ¶ 82,551 (1982) (50,000 gallon threshold); *but see Office of Special Counsel*, 10 DOE ¶ 85,039 (1982) (25,000 gallon threshold). A 50,000 gallon per month threshold, which has been used in many other refund proceedings, will be used in the Champlain proceeding. As indicated in the Appendix, the per gallon volumetric amount in that proceeding is only about 7/10 of a cent per gallon and the consent order period is more than 10 years ago.

(6) As in prior refund cases, resellers whose average monthly purchases during the period for which a refund is claimed exceed the threshold level may elect to apply for a refund based on the threshold amount.

(7) The volumetric method proposed in these proceedings represents a presumption as to the allocation of alleged overcharges among a consent order firm's customers. Any applicant that believes that it bore a disproportionate percentage of alleged overcharges resulting in economic injury greater than the volumetric amount may submit information to support that claim. *See Amoco*, 10 DOE at 88,199; *Hendel's, Inc.*, Case No. HEF–0089 (July 26, 1984) (Proposed Decision).

(8) Because the ERA audit files do not apportion the volume of Cibro's motor gasoline sales that were made to resellers, we have estimated these figures from the available audit data concerning total gasoline sales.

APPENDIX A

Name of firm	Consent order period	Consent order amount	Volumetric amount	Threshold amount (gallons per month)
Champion Oil Co., Inc., S. Burlington, UT	11/1/73–6/30/74	$56,997	$0.007732	50,000
Cibro Gasoline Corp., Bronx, NY	6/6/79–12/30/79	83,764	.07112	25,000

Appendix B–1—Champlain Oil Company

Addresses Known

B&F Service
Baird's Citgo
Ken Bannister
Walter Benoure
Roy Benway
Millard Benoit
Bill's Citgo
Velma Billado
Blain's Auto Service
Bradford Auto Service
Oliver Broughton
Dave Brunelle
Henry Brunelle
Lewis Burns
Glen Bushey
Champlain Islands
Karl Chanski
Dick Chase
Ronald Colton
Robert Cota
Wendell Creighton
Arthur Culter
James L. Decato
Laurent Desjandins
Doc's Garage
Robert Dostic
Robert Dupaw
Chet Fassett
Walt & Ethel Gallup
Milon Grout
Lawrence Haskins
L. B. Hatch
Heydt's Citgo
William Humphrey
Jarvis Citgo
Joseph Keith
Kennedy's Citgo
Wayne Kingsland
Leroy Lacross
Lane Shore Citgo
Carroll Larocque
Wayne Larrow
Jerry Latouche
Frank Lefflar
Roy Lemare
Lemery's Citgo
The Market
N.C. McCullock, Agent
Larry Mobbs
Chleele Murray
North End Citgo (J. Stevens)
Northern Sales
Orleans Body Shop
Alex Parent
Parker's Auto Service
George Perry
Maurice Pion
Seth Reynolds
Dick Ryan
Sam's Citgo
Howard Sanborn
Severance Service Station
Gene Smith
Sportswest Inc.
Eustace Thomas
Janice Torrey
Walt's Citgo
George Gary Watkins
Robert West
Wolcott Garage

Addresses Unknown

Louis Bates
Ed Blanchard
Richard Booska
William Hood
Art Howath
J&M County Outlet

A. Kaigle
Laigle Car Wash
Richard Lockerby
Jasper Rushford
Michele
Vermont Truck Lease
Wolcott Garage

Appendix B–2—Cibro Gasoline Corporation

Addresses Known

A. A. Fuel Service
Adelfi Fuel
Advance Oil
Allegheny Petroleum
Aloha Oil
Ambassador Fuel
Arcade Fuel Co.
J. Barr Service Station
Bandolene Fuels
Barrier Oil Corp.
Barrow Oil Corp.
Baurley Fuel
Beaty Coal
Beato Fuel
Besson Oil Inc.
Blue Diamond Fuel
Bridge Oil Co.
Brusco Fuel Oil Co.
Burns/Preferred
Bronx Coastal Oil Heating
C&S Fuel
Choice Oil Co.
Columbia Utilities
Combined Oil Co.
Consolidated Fuel
Conval Oil Co.
Crater Fuels
Cypress Fuel Oil
Sel-Jen Motor Services
Gino Oil Inc.
Erie Fuel
Erie Fuel Oil
Fairmount Fuel
Fazio Brothers Fuel
Federal Oil Co.
Filtered Petroleum
Fordham Fuel Oil
Fort Schuyer Fuel
Grassland Fuel Corp.
H&L Service Station
Hartsdale Coal & Oil
Hasko Utilities
Herbert Fuel
Highland Oil Service
Highway Essex Fuel
Hillcrest Fuel
Four Brothers Auto Service
Frank's Fuel
Fulweight Fuel Service
Gassman Coal & Oil
George Oil Corp.
Gerard Fuel
Globe Fuel Oil
Goetlel Fuel
Hillside Service
Isoldi Service Station
J&J Fuel
Jed Fuel Service
Joe's Service Station
Kavanagh Oil Corp.
Kings County Trans.
Kleen Heet Oil Co.
LaForgia Fuel
Lao Fuel Oil
Lawrence Heat & Power
Ledwith Oil Co.
Leigh Oil Chem.
JP Leonard Oil
Long Island Oil
Martimuicci Oil Co.
Morea Fuel
Morrow Fuel
New Utrecht Fuel
Nn. Way Fuel Oil
Nulite Utilities
Old Hudson River Fuel
Dan Paul
Patchogue Oil Tex.
V. Mazzarella Auto
Merit Oil Heating
Midtown Heating
Modern Oil Supply
Modroe Fuel
Monarch Fuel
Montebello Coal & Fuel
Morania Oil
Pel-Town Petroleum
Perrillo Brothers Fuel
Pilgrim Oil
Public Fuel Service
Radisch Brothers
Re-gal Fuel
Relite Fuel
Rex Oil Co.
Rivoli Fuel Oil
Rockway Fuel
Ron-See Heating
Ruggiero Bros.
Sallustio & Sons Oil
Sal S. Garage
F. M. Schildwachter
Schneider Fuel Oil
Sure Fire Corp.
T&C Fuel Co.
Tamara S. Fuel
Torch Fuel Co.
Trico Fuel Corp.
Tru Fuel Oil
Shoreline Motor Fuel
Sibrizzi Fuel
Skyview Fuel
VS Smyth Fuel Service
Stallone Fuel
Starlight Fuel Corp.
Stuyvesant Fuel Oil
Super Fuel Corp.
Tullo Oil
Vijax Fuel Corp.
West End Fuel Oil
Westchester Hudson
WHAM Petroleum
Whaleco Fuel Oil

Addresses Unknown

F&B Fuel
Five M

[FR Doc. 84-27936 Filed 10-22-84; 8:45 am]
BILLING CODE 6501-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-2701-1]

National Drinking Water Advisory Council; Request for Nomination of Members

The Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide advice, consultation and recommendations to the Agency of the activities, functions and policies relating to the implementation of the Safe Drinking Water Act, as amended, which became effective December 16, 1974. The Charter for this Advisory Committee is reproduced below.

Any interested person or organization may nominate qualified persons for membership. Nominees should be identified by name, occupation, position, address and telephone number. Nominations should include a resume of the nominee's background, experience and qualifications.

This request for nominations does not imply any commitment by the Agency as to the procedure to be followed in making selections.

Persons selected for membership will receive per diem compensation for travel and nominal daily compensation while on official Council business.

Nominations should be submitted to the Executive Assistant, National Drinking Water Advisory Council, Office of Drinking Water (WH–550), Environmental Protection Agency, Washington, D.C. 20460, no later than November 23, 1984. The Agency will not formally acknowledge or respond to nominations.

Dated: October 16, 1984.

Victor J. Kimm,

Director, Office of Drinking Water.

National Drinking Water Advisory Council

1. *Purpose.* This Charter is reissued for the National Drinking Water Advisory Council in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c).

2. *Authority.* The Council was created on December 16, 1974, under the Safe Drinking Water Act of 1974, Pub. L. 93–523, 42 U.S.C. 300j–5 and the charter was renewed on December 23, 1976, December 1, 1978, and November 7, 1980.

3. *Objective and scope of activity.* The Council advises, consults with, and makes recommendations on a continuing basis to the Administrator, through the Assistant Administrator for Water, on matters relating to activities, functions, and policies of the Agency under the Safe Drinking Water Act.

4. *Functions.* The Council provides practical and independent advise to the Agency on matters and policies relating to drinking water quality and hygiene,

and maintains an awareness of developing issues and problems in the drinking water area. It reviews and advises the Administrator on regulations and guidelines that are required by the Safe Drinking Water Act; makes recommendations concerning necessary special studies and research recommends policies with respect to the promulgation of drinking water standards; assists in identifying emerging environmental or health problems related to potentially hazardous constituents in drinking water; and proposes actions to encourage cooperation and communication between the Agency and other govenrmental agencies, interested groups, the general public, and technical associations and organizations on drinking water quality.

5. *Composition and meetings.* The Council consists of fifteen members including a Chairperson, appointed by the Administrator after consultation with the Secretary, Department of Health and Human Services. Five members shall be appointed from appropriate State and local agencies concerned with water hygiene and public water supply; and five members shall be appointed from representatives of private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. Except as provided in Section 1446 of the Safe Drinking Water Act, each member of the Council will hold office for a term of three years and will be eligible for reappointment. The Council is authorized to form subcommittees from time to time to consider specific matters and report back to the full Council. Meetings will be held as necessary and convened by the Assistant Administrator for Water. A full-time salaried officer or employee of EPA will be designated as the Executive Secretary. Each meeting will be conducted in accordance with an agenda approved in advance of the meeting by the designated Agency official. The Executive Secretary will be present at all meetings and is authorized to adjourn any meeting whenever it is determined to be in the public interest. The estimated annual operating cost of the Council is approximately $60,000, which includes .75 work-year of staff support. The Office of Water will provide the necessary staff and support for the Council.

6. *Duration.* As provided in the Safe Drinking Water Act, "Section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council." However, the Charter is subject to the renewal process upon the expiration of each successive two-year period following the date of enactment of the Act establishing this Coucil.

7. *Supersession.* The former National Drinking Water Advisory Council Charter signed on November 7, 1980, is hereby superseded.

Approval Date: November 19, 1982.

Date filed with Congress: November 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 84-27890 Filed 10-22-84; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2701-2]

Science Advisory Board, Environmental Health Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Chlorinated Organics Subcommittee of the Environmental Health Committee (EHC) of the Science Advisory Board will be held on November 8, 1984, in the Noland Hall Conference Room, University of Wisconsin, 250 North Mills Street, Madison, Wisconsin. The meeting will start at 9:00 a.m. and adjourn not later than 4:00 p.m.

The principal purpose of the meeting will be to review and comment on the scientific adequacy of a draft Health Assessment Document (HAD) on 1,2-Dichloroethane (Ethylene Dichloride) prepared by the Office of Health and Environmental Assessment in the Office of Research and Development (OED). The document is dated April 1984 (EPA-600/8-84-006A).

For information on how to obtain copies of the draft HAD please write the ORD Publications Office, Center for Environmental Research Information, U.S. EPA, Cincinnati, Ohio 45268 or call (513) 684-7562.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact Dr. Daniel Byrd, Executive Secretary to the EHC, or Mrs. Patti Howard, by telephone at (202) 382-2552 or by mail to: Science Advisory Board (A-101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 before c.o.b. November 2, 1984.

Dated: October 15, 1984.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 84-27889 Filed 10-22-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No.: FEMA-REP-1-CT-2]

The Connecticut State and Local Emergency Preparedness Plans; Site-Specific for the Millstone Nuclear Power Station; Certification of FEMA Finding and Determination

In accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR 350, the State of Connecticut submitted its plans relating to the Millstone Nuclear Power Station to the Director of FEMA Region I on September 4, 1981, for FEMA review and approval. On September 28, 1983, the Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the FEMA rule. Included in this evaluation is a review of the State and local plans around the Millstone facility; an evaluation of the joint exercises conducted on March 19, 1982, and October 5, 1983, in accordance with § 350.9 of the FEMA rule; and a public meeting held on August 11, 1982, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the FEMA rule.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Millstone Nuclear Power Station are adequate to protect the health and safety of the public living in the vicinity of the plant. These offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alert and notification system already installed and operational must be verified as meeting the standards set forth in Appendix 3 of the Nuclear Regulatory Commission (NRC)/FEMA criteria of NUREG-0654/FEMA-REP-1, Revision 1.

FEMA will continue to review the status of offsite plans and preparedness associated with the Millstone Nuclear Power Station in accordance with § 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA-REP-1-CT-2 maintained by the Regional Director, FEMA Region I, J.W. McCormack Post Office and Courthouse

Building, Room 442, Boston, Massachusetts 02109.

Dated: October 9, 1984.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs and Support

[FR Doc. 84-27846 Filed 10-22-84; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Tiger InterModal, Inc., et al.; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

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.

Tiger InterModal, Inc., 211 E. Ocean Blvd., Suite 400, Long Beach, CA 90802, Officers: Wayne Hoffman, Chairman of the Board, Thomas B. Liesy, President/Director, Michael Erenburg, Vice President/Secretary/Treasurer, Denis P. Kalscheur, Assistant Treasurer, Jeannie Maichele, Assistant Treasurer

Gamma Freight Forwarding, Inc., 110 Madeira Avenue, Coral Gables, FL 33134, Officers: Barbara Garcia, President, Orlando Garcia, Secretary, Yolanda Diaz, Director

Omega Forwarding, Inc., 5135 SW 102nd Avenue, Miami, FL 33165, Officers: Orlando Tercilla, President, Ed Castro, Vice President

Gregory S. Wisniewski dba Greg Wisniewski, 1428 Walnut Avenue, Des Plaines, IL 60016

M.A.T. International Shipping, Inc., 1150 N.W. 72nd Avenue, Suite #250, Miami, FL 33126, Officer: Aida Lastra, President

Seko-Air Freight, Inc., dba Seko Ocean Forwarding, Inc., 3839 N. Willow, Schiller Park, IL 60176, Officers: Norman S. Koppel, President/Treasurer/Director, Vivian Karmier, Secretary.

By the Federal Maritime Commission.

Dated: October 17, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-27836 Filed 10-22-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

October 18, 1984.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before November 7, 1984.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Judith McIntosh, Office of Information and Regulatory Affairs, Office of Managemeent and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

Request for Extension With Revision

1. Report title: Weekly and Monthly Money Market Mutual Funds Asset Reports

Agency form number: FR 2051a, FR 2051b, FR 2051c, FR 2051d

OMB Docket number: 7100-0012; 7100-0167

Frequency: Weekly; Monthly

Reporters: Money Market Mutual Funds

Small businesses are not affected.

General description of report: This information collection is voluntary [12 U.S.C. 353 et. seq.] and is given confidential treatment [5 U.S.C. 552(b)(4)].

These reports provide information on the assets of money market mutual funds that is used by the Federal Reserve System in the construction of the monetary aggregates.

Board of Governors of the Federal Reserve System, October 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27870 Filed 10-22-84; 8:45 am]

BILLING CODE 6210-01-M

BBI Bancshares, Inc., Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) 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, or to engage in such an activity. 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. 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 the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 14, 1984.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *BBI Bancshares, Inc.*, St. Louis, Missouri (a wholly-owned subsidiary of Boatmen's Bancshares, Inc., St. Louis, Missouri); to acquire CharterCorp, Kansas City, Missouri, thereby indirectly acquiring at least 80 percent of the voting shares of the following banks: First Naional Bank of Kansas City, Kansas City; CharterBank St. Louis, N.A., St. Louis; CharterBank Webster Groves Trust Company, Webster Groves; CharterBank of Jennings, Jennings; CharterBank of Carthage, Carthage; CharterBank Ward Parkway N.A., Kansas City, Kansas City; CharterBank Springfield N.A., Springfield; CharterBank Lee's Summit, Lee's Summit; CharterBank Aurora, Aurora; CharterBank of Overland, Overland; CharterBank Cassville N.A., Cassville; CharterBank Butler, Butler; Livestock National Bank, Kansas City; CharterBank Independence, Independence; CharterBank Marshall, Marshall; CharterBank DeSoto, DeSoto; CharterBank Belton, Belton; CharterBank Lebanon N.A., Lebanon; CharterBank of Ladue, Ladue; CharterBank Clinton, Clinton; CharterBank Excelsior Springs, Excelsior Spring; CharterBank Lexington, Lexington; CharterBank Boonville N.A., Boonville; CharterBank Richmond N.A., Richmond; CharterBank Lockwood, Lockwood; CharterBank Nevada, Nevada; and CharterBank Raytown, Raytown, all located in Missouri.

BBI Bancshares, Inc. has also applied to acquire Charter Bankers Life Insurance Company, Kansas City, Missouri, thereby engaging in the reinsurance of credit life and accident and health insurance written is connection with extensions of credit by subsidiary banks of its parent company. There activities would be conducted in the State of Missouri.

Board of Governors of the Federal Reserve System, October 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27868 Filed 10-22-84; 8:45 am]

BILLING CODE 6210-01-M

First Bottineau, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) 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, or to engage in such an activity. 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. 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 the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 15, 1984.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bottineau, Inc.*, Bottineau, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank and Trust Co. of Bottineau, Bottineau, North Dakota. First Bottineau also proposes to acquire certain assets of First National Insurance Agency, Bottineau, North Dakota, and thereby engage in general insurance agency activities in a community with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, October 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27869 Filed 10-22-84; 8:45 am]

BILLING CODE 6210-01-M

Hartford National Corporation, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 13, 1984.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Hartford National Corporation*, Hartford, Connecticut; to engage *de novo* through its subsidiary, Connecticut National Mortgage Company, Hartford, Connecticut, in making, acquiring, selling or servicing loans or other extensions of credit, such as: originating, packaging, selling and servicing of: residential mortgages, vacation home (second home) mortgages, and condominium mortgages to various secondary market sources, second mortgage loans and home improvement loans, and commercial mortgages and industrial mortgages; and acting as insurance agent or broker with respect to credit-related life, accident, health and disability insurance that is directly related to an extension of credit or to the provision of other financial services .25(b)(8) of Federal Reserve Regulation Y.

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

1. *KSB. Ltd.*, Keokuk, Iowa; to engage in, for its own account, commercial financing and leasing activities involving the extension of credit in the form of loans and/or leases to others for the acquisition of industrial, commercial and farm equipment and buildings, and industrial and commercial real estate.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to engage *de novo* through its subsidiary, The Results Consulting Group, Inc., Atlanta, Georgia, in providing management consulting advice to non-affiliated bank and non-bank depository institutions. These activities would be performed in the United States and abroad.

Board of Governors of the Federal Reserve System, October 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27887 Filed 10-22-84; 8:45 am]

BILLING CODE 6210-01-M

The Merchants Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 14, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Merchants Bancorp, Inc.*, Norwalk, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of The Merchants Bank and Trust Company, Norwalk, Connecticut. Comments on this application must be received not later than November 6, 1984.

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

1. *Mid Town Bancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Mid Town Bank and Trust Company of Chicago, Chicago, Illinois.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Imboden Bancshares, Inc.*, Imboden, Arkansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Imboden, Imboden, Arkansas.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Allen Bancshares, Inc.*, Olathe, Kansas; to become a bank holding company by acquiring 81.25 percent of the voting shares of Olathe State Bank, Olathe, Kansas.

2. *First Centralia Bancshares, Inc.*, Centralia, Kansas; to become a bank holding by acquiring 92.2 percent of the voting shares of The First National Bank of Centralia, Centralia, Kansas.

3. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire 100 percent of the voting shares of Intrawest Bank of Boulder, N.A., Boulder, Colorado.

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

1. *Corpus Christi Bancshares, Inc.*, Corpus Christi, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens State Bank of Corpus Christi, Corpus Christi, Texas.

Board of Governors of the Federal Reserve System, October 18, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27886 Filed 10-22-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Performance Review Board

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the GSA Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Gregory Knott, Director, Executive Resources Division, Office of Personnel, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, (202) 566-1207.

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of Title 5, U.S.C.

requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review the performance rating of each senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Saul Katz, Special Counsel to the Administrator for Ethics.
2. Roger C. Dierman, Deputy Associate Administrator for Administration.
3. Robert L. DiLuchio, Deputy Associate Administrator for Operations.
4. Allie B. Latimer, General Counsel.
5. Donald F. Layfield, Regional Administrator, Region 4, (Atlanta, GA).
6. Clarence A. Lee, Deputy Associate Administrator for Policy and Management Systems.

Dated: October 15, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84-27835 Filed 10-22-84; 8:45 am]

BILLING CODE 6820-BR-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee Meeting; Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is cancelling the meeting of the Fertility and Maternal Health Drugs Advisory Committee scheduled for November 13 and 14, 1984. The meeting was announced by notice in the Federal Register of October 15, 1984 (49 FR 40211).

FOR FURTHER INFORMATION CONTACT: A.T. Gregoire, Center for Drugs and Biologics (HFN-810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

Dated: October 17, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-27833 Filed 10-18-84; 10:17 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting

The following advisory committee meetings are announced:

Circulatory System Devices Panel

Date, time, and place. November 5, 8:30 a.m., Rm. 703-727A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 4 p.m.; Glenn A. Rahmoeller, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendation for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 29, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application (PMA) for a prosthetic heart valve.

Closed committee deliberations. If necessary, the committee may discuss trade secret or confidential commercial information relevant to this PMA in closed session. Also, the committee may discuss trade secret or confidential commercial information concerning an investigational device exemption (IDE). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Blood Products Advisory Committee

Date, time, and place. November 6, 8 a.m., Conference Rm. 6, 6th Floor, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., open Committee discussion, 9 a.m. to 3 p.m.; closed presentation of data, 3 p.m. to 4 p.m.; Isaac F. Roubein, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4696.

General function of the committee. The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. The committee will discuss (1) the reclassification of the following Category IIIA products under the provisions of 21 CFR 601.26: (a) Fibrinolysin and Desoxyribonuclease Combined (Bovine), Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol—License No. 1, Parke-Davis, Division of Warner-Lambert Co., (b) Whole Blood (Human) Heparin, (c) Fibrinolysin (Human), License No. 2, Merck Sharp and Dohme, Division of Merck & Co., Inc., (2) the committee's role as a Medical Device Classification Panel under the Medical Device Amendments of 1976 to the Federal Food, Drug, and Cosmetic Act, and (3) the current status of the Office of Biologics Research and Review activities relating to the acquired immunodeficiency syndrome (AIDS), particularly the test for antibody to human T-cell leukemia virus-III (HTLV-III).

Closed presentation of data. The committee will hear trade secret or confidential commercial information relevant to investigational new drug applications for the test for antibody to human T-cell leukemia virus-III (HTLV-III). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Radiologic Devices Panel

Date, time, and place. November 19, 9 a.m., Rm. 416, 12720 Twinbrook Parkway, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 12 m.; open committee discussion, 1 p.m. to 4:30 p.m.; Robert

Phillips, Center for Devices and Radiological Health (HFZ–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 12, and submit a brief statement of the general nature of the evidence or argument they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for Nuclear Magnet Resonance (NMR) imaging systems.

Closed committee deliberations. The committee will discuss trade secret or confidential commercial information in premarket approval applications for NMR imaging systems. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any if of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Puplic hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the **Federal Register** notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A List of committee members an summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reason stated that those portions of the advisory committee meeting so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commerical or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: October 17, 1984.

Mark Novitch,

Acting Commissioner of Foods and Drugs.

[FR Doc. 84–27834 Filed 10–18–84; 10:20 am]

BILLING CODE 4160–01–M

Public Health Service

Privacy Act of 1974; System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Revision and addition of new routine uses to system of records 09–15–0045, entitled "Health Resources and Services Administration Loan Repayment/Debt Management Records System, HHS/HRSA/OA."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to revise one routine use and to add seven new routine uses to system of records 09–15–0045, entitled "Health Resources and Services Administration Loan Repayment/Debt Management Records System, HHS/HRSA/OA."

PHS invites interested persons to submit comments on the proposed routine uses on or before November 23, 1984.

DATE: The Health Resources and Services Administration (HRSA) will adopt these routine uses without further notice 30 days after the date of publication (November 23, 1984), unless comments are received which would result in a contrary determination.

ADDRESS: Please address comments to the HRSA Privacy Act Coordinator, Department of Health and Human Services, Room 14A–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. We will make comments received available for public inspection at the above address during normal business hours, 8:30 a.m.–5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra L. Perry, Privacy Act Coordinator, HRSA, Room 14A–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–3780. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: HRSA maintains this system of records to reduce the amount of outstanding debts owed to the Federal Government. The purpose of the system is to protect the programmatic and financial integrity of Federal funds awarded to individuals through student loans, scholarships, traineeships, and educational grants administered by the Agency.

The Debt Collection Act of 1982 (Pub. L. 97–365) provides for Federal agencies to implement procedures for the collection of overdue debts owed to the United States. Therefore, we are revising one existing routine use and adding seven new routine uses for the purpose of managing debts owed under programs administered by HRSA.

Revising the third routine use will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to another Federal agency so that agency can effect a salary offset; to another Federal agency so that agency can effect an authorized administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to or held on behalf of the individual); and to the Treasury Department to request an individual's current mailing address. Disclosure under this routine use is limited: The debtor's name, address, Social Security number, and other information necessary to identify the individual; the amount, status, and history of the claim, and the agency or program under which the claim arose.

Adding the first proposed routine use (number seven) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to another Federal agency that has asked the Department to effect an administrative offset to help collect a debt owed to the United States. Disclosure under this routine use is limited to: The individual's 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.

The second proposed routine use (number eight) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes: To establish creditworthiness of a loan/grant/scholarship/traineeship applicant, and to assess and verify the ability of a debtor to repay debts owed to the Federal Government. Disclosure under this routine use is limited to: The individual's name, address, Social Security number, and other information necessary to identify the individual; the funding being sought or amount and status of debt, and the program under which the application or claim is being processed.

The third proposed routine use (number nine) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to the Treasury Department, Internal Revenue Service (IRS), of information about an individual applying for a loan under any loan program authorized by the Public Health Service to find out whether the loan applicant has a delinquent tax account. Disclosure under this routine use is for the sole purpose of determining the applicants creditworthiness and is limited to the individual's name, address, Social Security number, other information necessary to identify the individual, and the program for which the information is being obtained.

The fourth routine use (number ten) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to the Treasury Department, Internal Revenue Service (IRS), as taxable income, of the written-off amount of a debt owed by an individual to the Federal Government when a debt become partly or wholly uncollectable—either because of the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

The fifth proposed routine use (number eleven) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, of information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number, and other information necessary to identify the individual; the amount, status, and history of the claim, and the agency or program under which the claim arose.

The sixth proposed routine use (number twelve) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, of information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual.

The sixth proposed routine use (number thirteen) will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, of information concerning a delinquent debtor from this system of records to the Department of Justice for litigation or further administrative action.

Prior to making any actual disclosures under the third routine use, which will permit disclosure to another Federal agency for salary and administrative offsets, HRSA will take the following due process steps: Verify the existence of the debt, and take reasonable action

to locate the debtor to send written notice to him/her that the claim is overdue, that the agency intends to disclose information to debt collection agencies, or another Federal agency, of what the disclosure(s) will consist, and what his/her rights are with respect to the claim as set forth in Guidelines isued by the Office of Management and Budget (48 FR 15556 and page 15559, April 11, 1983). For example, HRSA will allow the debtor to examine agency documentation of the debt, provided for the debtor to seek agency review of the debt, and provide an opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment of any outstanding debts.

Further, before making any disclosures to debt collection agencies, HRSA will obtain assurance from debt collection agencies that they will comply with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and with any other Federal law governing the provision of consumer credit information such as the Internal Revenue Code, 26 U.S.C. 7213(a)(2). Assurances to this effect will be incorporated in service contracts between the Government and debt collection agencies. The service contracts will contain a provision subjecting the contractors to Section (m) of the privacy Act, which indicates that such contractors are liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency."

In conjunction with the above-mentioned routine uses, we are making the following revisions to the system notice:

(a) The Safeguard section—we are adding a statement that contractors must comply with the privacy Act.

(b) The System Manager(s) and Address section—we are expanding this section to include the appropriate System Managers who are responsible for administering debt management activities within HRSA. We are also adding the name and address of the policy-coordinating official.

(c) All sections of the system notice have been received, and we are making minor editorial revisions either to enhance clarity and specificity, or to incorporate normal updating changes.

This system notice was last published in the **Federal Register** on August 30, 1983, (48 FR 39299–39302). We are republishing the system notice in its entirety below to incorporate the proposed changes.

Dated: October 12, 1984.

Peter J. Bersano,

Acting Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09–15–0045

SYSTEM NAME:

Health Resources and Services Administration Loan Repayment/Debt Management Records Systems, HHS/HRSA/OA.

SYSTEM LOCATION:

Division of Fiscal Services, Office of the Administrator, HRSA, Parklawn Building, Room 16–05, 5800 Fishers Lane, Rockville, MD 20857.

Bureau of Health Professions, HRSA, Parklawn Building, Room 8–05, 5600 Fishers Lane, Rockville, MD 20657.

Indian Health Service, HRSA. Parklawn Building, Room 6A–23, 5800 Fishers Lane, Rockville, MD 20857.

Bureau of Health Care Delivery and Assistance, HRSA, Parklawn Building, Room 7–05, 5800 Fishers Lane, Rockville, MD 20857.

Washington National Records Center, 4205 Suitland Road, Washington, DC 20405.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received student loans, scholarships, traineeships, or grant funds under Titles III, VII, and VIII of the Public Health Service Act, as amended *and* who are delinquent in repaying either loans or funds owned in lieu of a service obligation under such programs. The individuals covered by this system include health professionals and students in various health professions; physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, public health personnel, nurses, audiologists, speech pathologists, health care administration personnel, medical technologists, chiropractors, clinical psychologists, and any other health personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains loan repayment status, amounts of student indebtedness, schools of attendance of borrowers, lending institutions of borrowers, tax identification numbers (Social Security numbers), and demographic information pertaining to borrowers funded by HRSA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:

Subpart II, Part D, Title III of the Public Health Service Act, as amended (42 U.S.C. 254d–294y). National Health Service Corps Program which includes the Indian Health Scholarship Program:

Subpart I. Part C. Title VII of the Public Health Service Act, as amended (42 U.S.C. 294–294l). Federal Program of Insured Loans to Graduate Students in Health Professions Schools:

Subpart II, Part C, Title VII of the Public Health Service Act, as amended (42 U.S.C. 294m–294q). Health Professions Student Loans:

Section 822 of the Public Health Service Act, as amended (42 U.S.C. 296m), Nurse Practitioner Programs:

Section 830 of the Public Health Service Act, as amended (42 U.S.C 297), Traineeships for Advanced Training of Professional Nurses:

Subpart II. Part B. Title VIII of the Public Health Service Act, as amended (42 U.S.C. 297a–297h), Nursing Student Loans;

Health Professions Educational Assistance Act of 1976, Pub L. 94–484 Section 409(b) (42 U.S.C. 295g);

Migration and Refugee Assistance Act of 1962. Pub. L. 87–510 (22 U.S.C. 2601):

Indian Health Care Improvement Act. Pub. L 94–437, as amended (25 U.S.C. 1601 *et seq.); and*

Debt Collection Act of 1982. Pub. L. 97–385 (5 U.S.C.. 5514 note).

PURPOSE(S):

The purpose of the system is to protect the programatic and financial integrity of Federal funds awarded to individuals through student loans, scholarships, traineeships, and educational grants administered by the Health Resources and Services Administration (HRSA). This system is maintained to reduce the amount of outstanding debts owed to the Federal Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. Records may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Records may be disclosed to authorized persons employed at educatonal institutions where the recipient received a loan, scholarship, or grant. The purpose of this disclosure is to assist institutions in identifying delinquent borrowers and to enforce the conditions and terms of such loans, scholarships and grants.

3. HRSA will disclose from this system of records a delinquent debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows:

a. To another Federal agency so that agency can affect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

b. To another Federal agency so that agency can effect an authorized administrative offset; i.e., withhold money payable to or held on behalf of debtors other than Federal employees.

c. To the Treasury Department, Internal Revenue Service (IRS), to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred as a routine use, to the appropriate agency, such as the Department of Justice and State agencies charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In the event of litigation where the defendant is: (a) The Department, 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 or 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 provide an effective defense.

6. Records may be disclosed to the General Accounting Office and to the Office of Management and Budget for auditing financial obligations to determine compliance with programmatic, statutory, and regulatory provisions.

7. HRSA may disclose information from this system of records to another agency that has asked the Department to effect an administrative offset to help collect a debt owed to the United States. Disclosure is limited to the individual's 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.

8. HRSA may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes:

a. To establish creditworthiness of a loan/grant/scholarship/traineeship applicant; and

b. To assess and verify the ability of a debtor to repay debts owed to the Federal Government.

Disclosures are limited to the individual's name, address, Social Security number and other information necessary to identify him/her; the funding being sought or amount and status of debt, and the program under which the application or claim is being processed.

9. HRSA may disclose to the Treasury Department, Internal Revenue Service (IRS), information about an individual applying for a loan under any loan program authorized by the Public Health Service Act to find out whether the loan applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, Social Security number; other information necessary to identify him/her, and the program for which the information is being obtained.

10. HRSA will report to the Treasury Department, Internal Revenue Service (IRS), as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectable—either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

11. HRSA will disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

12. HRSA will disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual.

13. HRSA will disclose information concerning a delinquent debtor from this system of records to the Department of Justice for litigation or further administrative action.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 522a(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:

Records are maintained in file folders, ledgers, magnetic tapes, and electronic word processing diskettes.

RETRIEVABILITY:

Records are retrievable by name, Social Security number [SSN], award number, and by school of attendance.

SAFEGUARDS:

1. *Authorized User:* Employees and officials directly responsible for programmatic or fiscal activity, including administrative and staff personnel, financial management personnel, computer personnel, and managers who have responsibilities for implementing HRSA-funded programs.

2. *Physcial Safeguards:* Twenty-four hour building security guard. File

folders, reports and other forms of personnel data, and electronic diskettes are stored in areas where fire and life safety codes are strictly enforced. All documents and diskettes are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas. Magnetic tapes and computer matching tapes are locked in a computer room and tape vault.

3. *Procedural Safeguards:* Password protection of automated records is provided. All authorized users protect information from public view and from unauthorized personnel entering an office.

Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts. The HRSA project directors, project officers, and the System Manager oversee compliance with these requirements.

4. *Implementing Guidelines:* The safeguards described above were established in accordance with DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual: and the DHHS ADP Systems Manual Part 6, "ADP System Security."

RETENTION AND DIPOSAL:

Records are retained by the responsible organizations listed under "System Location" for two years after completion of the repayment of the loan. The records are then sent to the Federal Records Center for a four-year retention period, and are subsequently disposed of in accordance with the HRSA Records Control Schedule. The records control schedule and disposal standards for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Policy-Coordinating Official: Associate Administrator for Operations and Management, HRSA, Room 14A–03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Office of the Administrator: Chief, Debt Management Branch, Division of Fiscal Services, HRSA, Room 16A–09, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Indian Health Service: Chief, Financial Management Branch, IHS, Room 5A–38, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Bureau of Health Care Delivery and Assistance: Director, Office of Financing Services, BHCDA, Room 7–39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

Bureau of Health Professions: Director, Office of Debt Management, BHPr, Room 8A–43, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

NOTIFICATION PROCEDURE:

To find out if the system contains records about you contact the System Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access to of disclosure or records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual who he/she claims to be and that he/she understands that the knowing and willful request or acquisition of a record concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine. In addition, the following information is needed: (1) The name of the student assistance program the he/she participated in, (2) dates of enrollment in the program, and (3) school(s) of attendance.

In addition, be informed that provision of the SSN may assist in the verification of your identity as well as the identification of your record. Providing your SSN is voluntary and you will not be refused access to your record for failure to disclose your SSN.

Request by mail: Written request must contain the name and address of the requester, his/her date of birth, and his/her signature which it either notarized to verify his/her identity or a written certification that the requester is who he/she claims to be and understands that the knowing and willful request or acquisition of records concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine. In addition, the following information is needed: (1) The name of the student assistance program that he/she participated in, (2) dates of enrollment in the program, and (3) school(s) of attendance.

In addition, be informed that provision of the SSN may assist in the verification of your identity as well as the identification of your record. Providing your SSN is voluntary and you will not be refused access to your record for failure to disclose your SSN.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

Requesters may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the appropriate System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

CONTESTING SOURCE CATEGORIES:

Individuals whose records are contained in the system: Federal organizations including but not limited to the Office of Inspector General/DHHS, and the Office of the Administrator, the Bureau of Health Professions, the Indian Health Service, and the Bureau of Health Care Delivery and Assistance—all of which administer HRSA-funded programs; participating schools: lending institutions; consumer reporting agencies (credit bureaus); and other Federal agencies, including but not limited to the Department of Treasury, Internal Revenue Service (IRS) and the U.S. Post Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISONS OF THE ACT:

None.

[FR Doc. 84–27727 Filed 10–22–84; 8:45 am]
BILLING CODE 4160–15–M

Privacy Act of 1974; Altered System of Record

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of altered system of records: 09–30–0036, "Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/OA."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (OHS) is publishing a notice of proposal to alter the system of records in the Alcohol, Drug Abuse, and Mental Health

Administration (ADAMHA), National Institute of Mental Health (NIMH), entitled, "Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH," to create an umbrella system of records to include epidemiologic and biometric research data in the areas of alcohol and drug abuse in addition to data already collected and maintained for mental health research. The system is to be retitled, "Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/OA." PHS invites interested persons to submit comments on the proposed alteration on or before November 23, 1984.

DATES: PHS has sent a Report of Altered System to the Congress and to the Office of Management and Budget (OMB) on October 10, 1984. The revisions to the system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the revisions which would result in a contrary determination.

ADDRESS: Comments should be addressed to: Privacy Act Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, Room 6–102, 5600 Fishers Lane, Rockville, Maryland 20857. Comments received will be available to the public for inspection at the above location from 8:15 a.m. to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Director, Division of Biometry and Epidemiology, National Institute of Mental Health, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, Room 18C–26, 5600 Fishers Lane, Rockville, Maryland, 20857, Telephone: 301–443–3648.

SUPPLEMENTARY INFORMATION: The current system allows the statistical analysis of research data for testing hypothese about relationships among and between the various items of information which influence the state of mental health/illness of the studied populations, which facilitate the generation of new hypothese to guide future research. This alteration will expand the mental health data records system into an umbrella system to include epidemiologic and biometric research data pertaining to the areas of alcohol and drug abuse. This approach will alleviate the need for establishing two new individual systems for the areas of alcohol and drug abuse research data collection and will provide one consolidated system under which all of ADAMHA's epidemiologic and biometric research data records will be maintained. This umbrella system will also eliminate confusion on the part of individuals who have been, are, or will be participating in such surveys or studies in one or more of the three areas and who wish to access their records by providing one system, instead of three, under which such records will be maintained.

Alterations to this system reflect the inclusion of information pertinent to the collection of data in the areas of alcohol and drug abuse research and include: (1) A change in the system name, (2) the addition of the locations of alcohol and drug abuse records, (3) the expansion of the categories of individuals to be covered in the system, (4) the expansion of the categories of records, (5) the addition of the citations of authority pertinent to alcohol and drug abuse research data collection, (6) the inclusion of references to alcohol and drug abuse research activities in the purpose of the system, (7) the inclusion of methods of storing alcohol and drug abuse records in addition to those methods already being used to store mental health records, (8) the identification of the system managers responsible for alcohol and drug abuse records, (9) the identification of the policy coordination official, and (10) the addition of sources from which alcohol and drug related research data are collected. Routine uses of data maintained in alcohol and drug abuse research records are the same as those already established for mental health records; no changes have been made to the system's routine uses. We are also reformatting the "Safeguards" section so that the published safeguards accurately and completely reflect the measures established to protect the records. Furthermore, other sections of the system notice have been revised either to enhance clarity and specificity, or to incorporate normal updating changes.

This system notice was last published in the **Federal Register** (Vol. 48, No. 230, pp. 53826–53828), November 29, 1983.

We are publishing this notice in its entirety below to incorporate the proposed alteration and updating changes.

Dated: October 10, 1984.

Peter J. Bensano,

Acting Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09–30–0036

SYSTEM NAME:

Alcohol, Drug Abuse, and Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the research facilities which collect or provide research data for this system under contract to the agency. Contractors may include, but are not limited to, research centers, clinics, hospitals, universities, research foundations, national associations, and coordinating centers. Records may also be located at the research facilities of the Division of Biometry and Epidemiology, National Institute on Alcohol Abuse and Alcoholism; the Division of Clinical Research and Division of Epidemiology and Statistical Analysis, National Institute on Drug Abuse; and the Division of Biometry and Epidemiology, National Institute of Mental Health. A current list of sites is available by writing to the appropriate System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subjects of research in epidemiologic, clinical, methodologic, and longitudinal research studies and surveys of mental health and alcohol and drug use/abuse and mental, alcohol, and/or drug abuse disorders. These individuals selected as representative of the general adult and/or child population or of special groups. Special groups might include, but are not limited to: normal individuals serving as controls; clients referred for or receiving medical, mental health, and alcohol and/or drug abuse related treatment and prevention service; providers of such services; demographic sub-groups as applicable, such as age, sex, ethnicity, race, occupation, geographic location; and groups exposed to hypothesized risks, such as relatives of individuals who have experienced mental health and/or alcohol, and/or drug abuse disorders, life stresses, or have previous history of mental, alcohol, and/or drug abuse related illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains data about the individual as relevant to a particular research study. Examples include, but are not limited to, items about the health/mental health and/or alcohol or drug consumption patterns of the individual; demographic data; past and present life experiences; personality characteristics; social functioning; utilizlation of health/mental health, alcohol, and/or drug abuse services; family history; physiological measures; and characteristics and activities of

health/mental health, alcohol abuse, and/or drug abuse care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241, General Research and Investigation Authorities); Public Health Service Act, Sections 301, 302, and 303 and Title V, Parts A and B (42 U.S.C. 241, 242, 242(a), and 290 (aa-dd)); Drug Abuse Prevention, Treatment, and Rehabilitation Act, Section 410 (42 U.S.C. 1177); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, Section 311 (42 U.S.C. 4591).

PURPOSE(S):

The purpose of the system of records is to collect and maintain a data base for research activities of the Division of Biometry and Epidemiology of the National Institute of Mental Health (NIMH), the Division of Biometry and Epidemiology of the National Institute on Alcohol Abuse and Alcoholism (NIAAA), and the Division of Epidemiology and Statistical Analysis and the Division of Clinical Research of the National Institute on Drug Abuse (NIDA). Analyses of these data involve groups of individuals with given characteristics and do not refer to specific individuals. The generation of information and statistical analyses will ultimately lead to a better description and understanding of mental, alcohol, and/or drug abuse disorders, their treatment and prevention, and the promotion of good physical and mental health.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; e.g., disclosure of alcohol or drug abuse patient records will be made only in accordance with the restrictions of confidentiality statutes and regulations 42 U.S.C. 290 (dd–3), 42 U.S.C. 290 (ee–3), 42 CFR Part 2, and where applicable, no disclosures will be made inconsistent with an authorization of confidentiality under 42 U.S.C. 242a and 42 CFR Part 2a;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposé of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; and

(d) Has secured a written statement attesting to the recipient's understanding of and willingness to abide by, these provisions.

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from a congressional office made at the written request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, 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 or 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 (e.g., disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of the individual's participation in activities of a Federal Government supported research project).

4. The Department contemplates that it will contract with a private firm for the purpose of collecting, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored on index cards, file folders, computer tapes and disks, microfiche, microfilm, and audio and video tapes. Normally, the factual data, with study code numbers, are stored on computer tape or disk, while the key to personal identifiers is stored separately, without factual data, in paper files.

RETRIEVABILITY:

During data collection stages and followup, if any, retrieval by personal identifier (e.g., name or medical record number) is necessary. During the data analysis stage, data are normally retrieved by the variables of interest (e.g., diagnosis, age, occupation).

SAFEGUARDS:

1. Authorized Users: Access to identifiers and to link files is strictly limited to the authorized personnel whose duties require such access. Procedures for determining authorized access to identified data are established as appropriate for each location. Personnel, including contractor personnel, who may be so authorized include those directly involved in data collection and in the design of research studies, e.g., interviewers and interviewer supervisors; project managers; statisticians involved in designing sampling plans.

2. Physical Security: Records are stored in locked rooms, locked file cabinets, and/or secured computer facilities. Personal identifiers and link files are separated as much as possible and stored in locked files. Computer data access is limited through the use of key words known only to authorized personnel.

3. Procedural Security: Collection and maintenance of data is consistent with legislation and regulations in the protection of human subjects, informed consent, confidentiality, and confidentiality specific to drug and

alcohol abuse patients where these apply. When an Institute Division or a contractor provides anonymous data to research scientists for analysis, study numbers which can be matched to personal identifiers will be eliminated, scrambled, or replaced by the agency or contractor with random numbers which cannot be matched. Contractors who maintain records in this system are instructed to make no further disclosure of the records. Privacy Act requirements are specifically included in contracts for survey and research activities related to this system. The HHS project directors, contract officers, and project officers oversee compliance with these requirements.

4. Implementation Guidelines: DHHS Chapter 45–13 and supplementary Chapter PHS.hf: 45–13 of the General Administration Manual and Part 6, "ADP System Security of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Personal identifiers are retained only as long as they are needed for the purposes of the current research project, and for followup studies generated by the present study. Removal or disposal of identifiers is done according to the storage medium (e.g., erase computer tape, shred or burn index cards, etc.) A staff person designated by the System Manager will oversee and will describe and confirm the disposal in writing.

SYSTEM MANAGER(S) AND ADDRESS:

The policy coordinating official for this system of records is also the system manager for the National Institute of Mental Health subsystem.

Director, Divison of Biometry and Epidemiology
National Institute of Mental Health
Alcohol, Drug Abuse and Mental Health Administration
Parklawn Building
Room 14C–26, 5600 Fishers Lane
Rockville, MD 20857

Director, Division of Biometry and Epidemiology
National Institute on Alcohol Abuse and Alcoholism
Alcohol, Drug Abuse, and Mental Health Administration
Parklawn Building
Room 14C–26, 5600 Fishers Lane
Rockville, MD 20857

Director, Division of Clinical Research
National Institute on Drug Abuse
Alcohol, Drug Abuse, and Mental Health Administration
Parklawn Building
Room 10A–38, 5600 Fisher Lane
Rockville, MD 20857

Director, Division of Epidemiology and Statistical Analysis
National Institute on Drug Abuse
Parklawn Building
Room 11A–55, 5600 Fishers Lane
Rockville, MD 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the appropriate System Manager at the address above. Provide individual's name; current address; date of birth; date, place and nature of participation in specific research study; name of individual or organization administering the research study (if known); name or description of the research study (if known); address at the time of participation; and a notarized statement by two witnesses attesting to the individual's identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures of his/her record, if any.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

Contact the appropriate official at the address specified under System Manager(s) above and reasonably identify the record, specify the information being contested, and state corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

The system contains information obtained directly from the subject individual by interview (face-to-face or telephone), by written questionnaire, or by other tests, recording devices or observations, consistent with legislation and regulation regarding informed consent and protection of human subjects. Information is also obtained from other sources, such as health, mental health, alcohol, and/or drug abuse care providers; relatives; guardians; and clinical medical research records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84–27728 Filed 10–22–84; 8:45 am]
BILLING CODE 4160–20–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Coal Lease Applications ES 28564, ES 30862 and ES 32949]

Tuscaloosa County, AL; Public Hearing and Availability of Environmental Assessment

The Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, hereby gives notice that a public hearing will be held on November 30, 1984, at 11:00 a.m. at the U.S. Geological Office, 520 19th Avenue, Tuscaloosa, Alabama 35401. Applications have been made to the United States that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment prepared and on the following items:

1. The method of mining to be employed to obtain maximum economic recovery of the coal;

2. The impact that mining the coal in the proposed leasehold may have on the area including but not limited to impacts on the environment; and

3. Methods of determining the fair market value of the coal to be offered.

Written request to testify orally at the November 30, 1984, public hearing should be received at the Jackson District Office, P.O. Box 11348, Jackson, Mississippi 39213 prior to the close of business at 4:00 p.m., on November 29, 1984. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearings, but speakers will be limited to a maximum of 10 minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be

submitted to the Jackson District Officer, at the above address, prior to close of business on November 29, 1984.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value, including, but not listing to: The quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.12. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to the Eastern State Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Application ES 28564, 200 acres

(Long Creek Tract)

The coal resource to be offered is to be surface mined from the Carter Brookwood Group which is on private surface located in Sections 31 and 32, T. 18 S., R. 9 W., Tuscaloosa County, Alabama. The complete description is available at the Eastern States Office at the address set out above, and;

Application ES 30862, 890 acre

(Modified Jock Creek Tract)

The coal resource to be offered is to be surface mined from two Brookwood seams and a "split" of one of those seams: the Milldale, the Carter "split" and the Carter seams which are located on private surface in Sections 26 and 35, T. 18 S., R. 9 W., and Sec. 1, T. 19 S., R. 9 W., Tuscaloosa County, Alabama. The complete description is available at the Eastern States Office set out above, and;

Application ES 32949, 40 acres

(Sottera Tract)

The coal resource to be offered is to be surfaced mined from the Utley Group-first and second Seams which is located on private surface in Sec. 11, T. 18 S., R. 10 W., Tuscaloosa County, Alabama. The complete description is available at the Eastern State Office at the address set out above.

The Environmental Assessments will be available for review in the Jackson District Office, Jackson, Mississippi, or in the Eastern States Office, Bureau of Land Management, at the above address. Single copies are available for distribution upon request from the Alexandria Office.

A copy of the Environmental Assessment, the case file and the comments by the public on fair market value, except those stated in the Freedom of Information Act, will be available for public inspection at the Eastern States Office, Bureau of Land Management, at the address set out above.

We have found that the range of quality of the Carter coal bed of the Brookwood Group within the Long Creek tract is as follows:

1. Moisture (%)	1.1–4.3
2. Ash (%)	5.4–11.1
3. Sulfur (%)	0.9–1.48
4. Btu/lb.	13,030–14,174
5. Approx. tons in place	126,000

The proximate analysis of the two mineable coal seams of the Jock Creek tract is as follows:

Milldale seam	Carter seam
1. Moisture (%) 2.8–5.6	2.8–5.0
2. Ash (%) 11.8–23.0	4.1–8.1
3. Sulfur (%) 1.2–1.5	0.9–1.3
4. Btu/lb. 10,657–13,000	14,000–14,500
5. Approx. tons in place 800,000	325,000

The range of quality of the coal in the Utley Group of the Sottera tract is as follows:

1. Moisture (%)	1.4–2.4
2. Ash (%)	6.6–11.7
3. Sulfur (%)	1.6–3.9
4. Btu/lb.	13,109–14,000
5. Approx. tons in place	19,000

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Coalgate, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 274–0149.

G. Curtis Jones, Jr.

State Director.

[FR Doc. 84–27843 Filed 10–22–84; 8:45 am]

BILLING CODE 4310-GJ-M

[ES 30176–Louisiana]

Proposed Reinstatement of a Terminated Oil and Gas Lease; Louisiana

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Reinstatement of a Terminated Oil and Gas Lease.

SUMMARY: 1. Federal oil and gas lease ES 30176 terminated automatically by operation of Law on April 1, 1983 (30 U.S.C. 188).

2. A petition for reinstatement of ES 30176 was filed by ARCO Exploration Company (Lessee) under section 31D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

3. The Lessee has met all the following requirements for reinstatement:

(a) $500—Reimbursement of Department Administrative Cost;

(b) $1072—Back Rental Payments;

(c) $136—Estimated Publication Cost.

4. The Leasee has accepted the following amended lease terms to be included as part of the proposed reinstated oil and gas lease ES 30176.

(a) Rental rate increased to $5.00 an acre per year, due on the anniversary date beginning April 1, 1983.

(b) Increase of royalty rate 16⅔ percent.

FOR FURTHER INFORMATION CONTACT: Ms. Robyn Meyer, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 235–3630.

G. Curtis Jones, Jr.,

State Director.

[FR Doc. 84–27912 Filed 10–22–84; 8:45 am]

BILLING CODE 4310-GJ-M

[OR–18107(WASH)]

Washington; Termination of Proposed Withdrawal and Reservation of Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service has cancelled an application to withdraw 47 acres of land as an addition to the Flattery Rocks National

Wildlife Refuge. The land has been included in the Makah Indian Reservation and remains closed to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: November 20, 1984.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., (Telephone 503–231–6905), Oregon State Office, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

SUPPLEMENTARY INFORMATION: 1. Notice of Fish and Wildlife Service, U.S. Department of the Interior, application OR 18107(WASH) for withdrawal and reservation of land was published as FR Doc. 78–1980 on page 3316 of the issue of January 24, 1978. The purpose of the proposed withdrawal was to establish and protect an addition to the Flattery Rocks National Wildlife Refuge, and the following described land was temporarily segregated from all forms of appropriation under the public land laws, including the United States mining laws, and mineral leasing laws, except as they pertain to oil and gas:

Willamette Meridian

T. 33 N., R. 16 W.,
Sec. 2, unsurveyed island known as Tatoosh Island, including its surveyed rocks and islets.
T. 34 N., R. 16 W., unsurveyed,
sec. 35, unsurveyed rocks and islets of Tatoosh Island.

The areas described aggregate approximately 47 acres in Clallam County, Washington.

2. The Fish and Wildlife Service has cancelled the application in its entirety, and the lands described in paragraph 1 have been added to the Makah Indian Reservation by Pub. L. 98–282 approved May 14, 1984, and will not be restored to operation of the public land laws, mining laws, and mineral leasing laws.

Dated: October 15, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–27903 Filed 10–22–84; 8:45 am]

BILLING CODE 4310–33–M

Supplement to Intent to Prepare Resource Management Plan (RMP) and Environmental Impact Statement (EIS); Little Snake Resource Area, Craig District, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Supplement to Notice of Intent to prepare RMP/EIS.

SUMMARY: Pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA) and the National Environmental Policy Act (NEPA) regulations, the Bureau of Land Management (BLM), Craig District, is preparing a resource management plan (RMP) and environmental impact statement (EIS) to guide and control future management actions on the public lands in the Little Snake Resource Area. The original notice of intent was published in the **Federal Register** on June 23, 1983.

ADDRESS: Comments or questions regarding RMP/EIS preparation should be addressed to either Robert Haburchak, Area Manager, or Carol MacDonald, RMP/EIS Team Leader, Bureau of Land Management, Little Snake Resource Area, 1280 Industrial Avenue, Craig, Colorado 81625, telephone (303) 824–4441.

SUPPLEMENTARY INFORMATION: The Little Snake Resource Area comprises a total area of 3,258,000 acres located in the northwest corner of Colorado. The resource area includes most of Moffat and Routt counties and a small portion of Rio Blanco County. The area is bordered on the north by the state of Wyoming; on the west by the state of Utah and Dinosaur National Monument; on the south by the White River Resource Area (BLM, Craig District), Routt National Forest, and Grand Junction District (BLM); and on the east by Routt National Forest. Of the total area, 40 percent, or 1,298,000 acres, is public land administered by BLM concentrated primarily in the western half of the resource area. A total of 53 percent is privately owned, and 7 percent is administered by the state of Colorado. Of these private and state lands, 1.1. million acres, or 56 percent, are underlain by federally owned minerals, resulting in a split estate and the need for surface owner consultation procedures.

Issues for the RMP/EIS were developed during a scoping process held in July and August of 1983. Public meetings were held in Denver, Steamboat Springs, and Craig, Colorado, and a 30-day public comment period followed. Written comments, public testimony, and BLM management concerns were combined to arrive at a set of issues.

Issues being addressed in the RMP/EIS include coal, oil and gas, other minerals, livestock grazing, wildlife habitat, threatened/endangered species, wild horses, soils, watersheds, forest lands and woodlands, fire management, wilderness, special management areas (Areas of Critical Environmental Concern, etc.), recreation, off-road vehicle designations, cultural and paleontological resources, acquisition/disposal of public lands, major rights-of-way, access to public lands, and transportation needs. An interdisciplinary team with expertise in the above areas is preparing the RMP/EIS.

The following alternatives will be analyzed:

Current Management (No Action): Continuation of existing management policies, plans, and practices.

Energy and Minerals: Emphasis on the production and development of energy and other mineral resources.

Commodity Production: Emphasis on both mineral and livestock production from public lands.

Renewable Resource: Emphasis on the management and production of renewable resources.

Natural Environment: Emphasis on the protection and enhancement of the natural environment and resources of substantial scientific interest.

Preferred Alternative: Combination of various aspects of the above alternatives to produce an optimum approach to public land resource management.

Documents relevant to the planning process, including the Management Situation Analysis, are available for review at the Little Snake Resource Area at 1280 Industrial Avenue, Craig, Colorado, during normal business hours (Monday through Friday from 7:45 a.m to 4:30 p.m.). An RMP Newsletter is available upon request.

Dated: October 12, 1984.

Terry Plummer,

Associate District Manager.

[FR Doc. 84–27898 Filed 10–22–84; 8:45 am]

BILLING CODE 4310–JB–M

North Fork Well, Park County Worland BLM District, WY; Availability of Draft Envornmental Impact Statement and Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement and Public Hearing.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a second draft environmental impact statement (EIS) on the North Fork Well in Park County, Wuoming, and has made copies of the document available for public review and comment.

In addition, notice is also given that a public hearing will be held to seek public input on the EIS.

The draft EIS analyzes the environmental impacts that would result from drilling the proposed exploratory North Fork Well and alternatives.

DATES: Written comments on the draft environmental impact statement will be accepted until December 17, 1984, at 1700 Robertson Avenue, Worland, Wyoming. A public hearing will be held on November 8, 1984, at the Wynona Thompson Auditorium, Cody High School, 1225 Tenth Street, Cody, Wyoming.

ADDRESSES: A copy of the draft EIS can be obtained from, and written comments on the EIS should be addressed to: Team Leader, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401.

The draft environmental impact statement is available for inspection at the following locations: BLM District Office (Worland); Cody BLM Area Office (Cody), Shoshone National Forest Headquarters (Cody).

Edward L. Fisk,

District Manager.

[FR Doc. 84-27897 Filed 10-22-84; 8:45 am]

BILLING CODE 4310-22-M

[W-81752]

Realty Action; Modified Competitive and Competitive Sale of Public Lands in Hot Springs and Washakie Counties, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Modified Competitive and Competitive Sale of Land Parcels in Hot Springs and Washakie Counties, Wyoming.

SUMMARY: The following described lands are suitable for public sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value. Any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land from sale if the sale would not be consistent with FLPMA or other applicable law.

The land use planning decisions, environmental documentation, land report analysis, record of public comments and involvement, and appraisal are available for public review at the Bureau of Land Management, Grass Creek Resource Area, Worland, Wyoming 82401) (phone 307-347-9871). All bids and other requests for information should be sent to BLM, Grass Creek Resource Area, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401 (phone 307-347-9871).

The land is hereby segregated from all appropriation under the public land laws including the mining laws upon publication in the **Federal Register.** The segregative effect will terminate when the patent is issued or 270 days from the date of publication of this notice.

SIXTH PRINCIPAL MERIDIAN, WY

Parcels	Legal Description	Acreage	Appraised value
No. 1	T. 45 N., R. 96 W., sec. 21, Lot 12..	39.84	$3,000
No. 2	T. 46 N., R. 93 W., sec. 19, Lot 8.(30.17) sec. 30, Lot 6.(26.63)..	57.80	5,800
No. 3	T. 46 N., R. 94 W., sec. 24, Lot 3..	12.26	1,300
No. 4	T. 46 N., R. 94 W., sec. 5, Lot 16..	39.71	4,000
No. 5	T. 46 N., R. 94 W., sec. 6, Lot 8..	33.68	18,500

Sale Procedures

1. The sale of Parcel 1 will be conducted by modified competitive bidding and the parcel will be offered by a sealed bid process to adjoining landowners. The apparent high bidders will be required to submit evidence of adjoining land ownership before the high bid can be accepted. If the adjoining landowners do not purchase the parcel, the land will be reoffered for sale under a competitive bidding process.

2. The sale of Parcels 2 through 5 will be conducted under competitive bidding procedures, and any qualified bidder may submit a bid. If no acceptable bids are received, Parcels 2 through 5 will be reoffered for sale on a continuing basis until sold or until the sale is cancelled.

3. All bidders must be U.S. citizens, 18 years of age or older, corporations authorized to own real estate in the State of Wyoming, a State, State instrumentality or political subdivision authorized to hold property, or an entity legally capable of conveying and holding lands or interests in Wyoming.

4. Sealed bidding is the only acceptable method of bidding. All bids must be received in the Worland District Office by 11:00 a.m., MDT, on January 15, 1985, at which time the sealed bid envelopes will be opened and the high bid announced. The high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid. The sealed bid envelope must be marked in the front lower left-hand corner with the words (Public Land Sale, 1984, W-81752, Parcel No. ——, Worland District".

5. All sealed bids must be accompanied by a payment or not less than 20 percent of the total bid plus a $50 non-reimbursable filing fee. Each bid and any final payment must be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior, BLM.

It has been determined that the leasable minerals, oil and gas and coal, will be retained by the United States. All other minerals will be transferred along with the surface estate. A bil will constitute an application of conveyance of mineral interest of no known value.

6. Failure to pay the remainder of the full price within 180 days of the sale will disqualify the apparent high bidder and the deposit shall be forefeited and disposed of as other receipts of the sale. If the apparent high bidder is disqualified, the next high bid will be honored or the land will be reoffered under competitive procedures. If two (2) or more envelopes containing valid bids of the same amount are received, the high bid will be determined by supplemental bidding. Additional sealed bids will be submitted to resolve all ties.

7. If any of the parcels fail to sell, they will be reoffered for sale under competitive procedures. For reoffered land, bids must be received in the Worland District Office by 11:00 a.m., on the fourth (4th) Wednesday of each month beginning February 27, 1985. Reoffered land will remain available for sale until sold or until the sale action is cancelled or terminated.

Patent Terms and Conditions

1. A reservation for ditches or canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Oil, gas and coal shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals. A more detailed description of this reservation, which will be incorporated into the patent document, is available at this BLM office.

3. Any patent isued will be subject to the following oil and gas leases: Parcel 1, W-70027; Parcel 2, 11/83 Oil and Gas Simultaneous Listing; Parcel 3, W-83124; Parcel 4, W-86924; and Parcel 5, W-82068.

4. Any patent issued will be subject to the following:

Parcel 1—an irrigation ditch authorized by the Act of July 26, 1866.

Parcel 2—W–51085, powerline right-of-way; W–022640, State Highway right-of-way.

Parcel 3—W–022640, State Highway right-of-way.

Parcel 4—W–69983, telephone right-of-way; W–78711, Washakie County Road and W–022640, State Highway right-of-way.

Parcel 5—W–78711, Washakie County Road; W–81653, private access road; W–69983, telephone right-of-way; W–0231833, power transmission line and an irrigation ditch authorized by the Act of July 26, 1866.

5. If the grazing permittees do not purchase the land or relinquish their grazing preferences, the patent shall include the following statement:

Parcel No. 1

The patentee agrees that he take the real estate subject to the existing grazing use of Harold Swing, holder of grazing authorization No. 1244. The privilege of Harold Swing to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization No. 1244 shall cease on 2/28/89. The patentee is entitled to receive annual grazing fees from Harold Swing in an amount not to exceed that which would be authorized under the Federal Grazing Fee published annually in the **Federal Register.**

Parcel No. 2

The patentee agrees that he takes the real estate subject to the existing grazing use of the following: C.O. Davis, holder of grazing authorization No. 1047; and the Weber Estate, holder of grazing authorization No. 1263. The privileges of C.O. Davis and the Weber Estate to grazing domestic livestock on the real estate according to the conditions and terms of grazing authorization Nos. 1047 and 1263 shall cease on 2/28/89. The patentee is entitled to receive annual grazing fees from C.O. Davis and the Weber Estate in an amount not to exceed that which would be authorized under the Federal Grazing Fee published annually in the **Federal Register.**

Parcels No. 3 and No. 5

The patentee agrees that he takes the real estate subject to the existing grazing use of the following: The Albert Holland Estate, holder of grazing authorization No. 1041; Leon Toyne, holder of grazing authorization No. 1250; Baird & Sons, holder of grazing authorization No. 1155; and the Kleinschmidt Trust, holder of grazing authorization No. 1206. The privileges of the Albert Holland Estate, Leon Toyne, Baird & Sons, and the Kleinschmidt Trust, to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization Nos. 1041, 1250, 1155 and 1206 shall cease on 2/28/89. The patentee is entitled to receive annual grazing fees from the above grazing users in an amount not to exceed that which would be authorized under the Federal Grazing Fee published annually in the **Federal Register.**

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Worland District Office, 1700 Robertson, P. O. Box 119, Worland, Wyoming 82401. Any adverse comments will be evaluated by the State Director, who may vacant or modify this realty action and will issue a final determination.

Edward L. Fisk,

District Manager, Worland, Wyoming.

[FR Doc. 84–27895 Filed 10–22–84; 8:45 a.m.]

BILLING CODE 4310–22–M

Fish and Wildlife Service

Big Game Hunting; Loxahatchee National Wildlife Refuge, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This document provides notice that the deer hunts scheduled by the Fish and Wildlife Service (FWS) for November 3 through November 8, 1984, on Loxahatchee National Wildlife Refuge (NWR) have been cancelled pursuant to limitations imposed by Pub. L. 98–473. This law, enacted on October 12, 1984, prohibits the FWS from expending any of the funds appropriated under this law to implement deer hunting at this refuge.

DATE: The provisions of this notice are effective October 23, 1984.

FOR FURTHER INFORMATION CONTACT: James F. Gillett; Chief, Division of Refuge Management; U.S. Fish and Wildlife Service; 18th and C Streets, NW.; Washington, D.C. 20240 (202–343–4311).

SUPPLEMENTARY INFORMATION: Section 314 of Title III of the Department of the Interior and Related Agencies Appropriations Act of 1985 (Pub. L. 98–473) reads as follows: "None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee NWR."

This Act clearly prohibits the Service from conducting deer hunting at Loxahatchee NWR during the 1985 Fiscal Year. Thus, the deer hunts which had been previously scheduled by the FWS for November 3 through November 8, 1984, must be cancelled in order for the Service to comply with this Act.

Dated: October 18, 1984.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 84–27971 Filed 10–22–84; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0438, Block 175, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Amelia, Louisiana.

DATE: The subject DOCD was deemed submitted on October 15, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 15, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-27908 Filed 10-22-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3021, Block 762, Mustang Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from a onshore base located at Ingleside, Texas.

DATE: The subject DOCD was deemed submitted on October 15, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 15, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-27911; Filed 10-22-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Diamond Shamrock Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Diamond Shamrock Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4904 and 4833, Blocks 39 and 126, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on October 12, 1984. Comments must be recieved within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resorces Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 16, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-27909; Filed 10-22-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Exxon Co. U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Exxon Company U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 032, Block 18, Grand Isle Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from a onshore base located at Grand Isle, Louisiana.

DATE: The subject DOCD was deemed submitted on October 15, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 15, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-27910; Filed 10-22-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Upper Delaware National Scenic and Recreational River; Citizens Advisory Council Meeting

AGENCY: Upper Delaware Citizens Advisory Council, National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: October 26, 1984, 7:00 p.m.

ADDRESS: Town of Tusten, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159, (717) 729–7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include items regarding continuance of discussion of requirements for a river management plan. The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: October 15, 1984.

John W. Bond,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 84-27932 Filed 10-22-84; 8:45 am]

BILLING CODE 4310-70-M

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, November 14, 1984, at the GGNRA Headquarters, Building 201, Fort Mason, San Francisco, 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, San Francisco and San Mateo 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
Mr. Margot Patterson Doss
Mr. Jerry Friedman
Mr. Charles Gould
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 purposes of this meeting are to receive public testimony on the draft Environmental Assessment for Sweeney Ridge; to receive a briefing on new construction in Presidio, specifically that of a new post office and barracks building to be started in 1985; and to receive briefing on the Presidio reforestation plan.

The meeting is 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 Shirwin Smith, Staff Assistant of Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by December 14, 1984, in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: October 12, 1984.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 84-27931; Filed 10-22-84; 8:45 am]

BILLING CODE 4310-70-M

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 Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, November 7, at the Pacifica Council Chambers, 2212 Beach Boulevard, Pacifica, 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, San Francisco, and San Mateo 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
Mr. Charles Gould
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 purpose of this meeting is to receive public testimony on the draft Environmental Assessment for Sweeney Ridge.

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 Shirwin Smith, Staff Assistant of Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by December 7, 1984, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: October 12, 1984.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 84-27930 Filed 10-22-84; 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 October 12, 1984. Pursuant to § 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 November 7, 1984.

Beth Grosvenor,

Acting Chief of Registration, National Register.

COLORADO

Grand County

Estes Park vicinity, *Trail Ridge Road,* Rocky Mountain National Park (also in Larimer County)

ILLINOIS

Cook County

Chicago, *Cook County Criminal Court Building,* 54 W. Hubbard St.
Chicago, *Emmel Building,* 1357 N. Wells St.
Chicago, *Lake-Side Terrace Apartments,* 7425–7427 South Shore Dr.
Chicago, *Old Town Triangle Historic District,* Roughly bounded by Armitage and North Aves., Clark and Mohawk Sts.
Chicago, *Peoples Gas Building,* 122 S. Michigan Ave.
Chicago, *Yondorf Block and Hall,* 758 North Ave.

Ford County

Paxton, *Paxton Water Tower and Pump House,* 145 S. Market St.

Hancock County

Niota vicinity, *Cambre House and Farm,* SW of Niota

Jackson County

Murphysboro, *Mobile and Ohio Railroad Depot,* 1701 Walnut St.

Lake County

Highland Park, *Becker, A. G., Property (Highland Park MRA),* 405 Sheridan Rd.

Lee County

Dixon, *Brookner, Christopher, House,* 222 N. Dixon Ave.

Rock Island County

Rock Island, *Fort Armstrong Hotel,* 3rd Ave. and 19th St.

Sangamon County

Riverton vicinity, *Wheeland Haven,* E of Riverton on I–72
Springfield, *Camp Lincoln Commissary Building,* 1301 N. MacAuthur Blvd.
Springfield, *Hickox Apartments,* 4th and Cook Sts.

Will County

Plainfield, *Standard Oil Gasoline Station,* 600 W. Lockport St.

LOUISIANA

Iberia Parish

New Iberia, *Pascal Building,* 223 E. Main St.

Lafayette Parish

Lafayette, *Martin, Sidney, House,* 310 Sidney Martin Rd.

MAINE

Hancock County

Bar Harbor, *Nannau,* Lower Main St.

Kennebec County

Mount Vernon, *Williams, John, House,* Church St.
Wintrop Center, *Bailey, Moses, House,* ME 135

Somerset County

Skowhegan, *Somerset County Courthouse,* Court St.

Washington County

Atkinson/Koskinen site 45.13,

York County

Limerick, *Sunnycroft,* Locust Hill

MASSACHUSETTS

Barnstable County

North Truro vicinity, *Higgins, Jedediah, House,* Higgins Hollow Rd.
Wellfleet, *Ahearn House and Summer House,* Pamet Point Rd.

Essex County

Lawrence, *Arlington-Basswood Historic Dictrict,* Roughly bounded by Lawrence, Alder, Arlington, and Juniper Sts.
Lawrence, *Jackson Terrace Historic District,* 43—59 Jackson St., Jackson Court, Jackson Terr., and 58—62 Newbury St.
Lawrence, *North Canal Historic District,* Roughly bounded by Merrimack and Spicket Rivers, North Canal, and Broadway

Suffolk County

Boston, *Vermont Building,* 6—12 Thacher St.
Revere, *Church of Christ,* 265 Beach St.

Worcester County

Millville vicinity, *Chestnut Hill Meetinghouse,* Chestnut and Thayer Sts.

MINNESOTA

Carlton County

Cloquet, *Northeastern Hotel,* 115 St. Louis Ave.

McLeod County

Hutchinson, *Harrington, Lewis, House,* 225 W. Washington Ave.

Nicollet County

North Mankato, *Stewart, William E., House,* 733 Range St.

Norman County

Ada, *Congregational Church of Ada,* E. 2nd Ave. and 1st St.

Otter Tail County

Fergus Falls, *Park Region Luther College,* 715 W. Vernon Ave.

Ramsey County

St. Paul, *St. Matthew's School,* 7 W. Robie St.

Winona County

Winona, *Gallagher, Dr. J.W.S., House,* 451 W. Broadway St.
Winona, *Hodgins, Abner F., House,* 275 Harriet St.
Winona, *St. Stanislaus Polish Catholic Church,* 601 E. 4th St.
Winona, *Watkins, Paul, House,* 175 E. Wabasha St.

OKLAHOMA

Kay County

Ponca City, *Poncan Theatre,* 104 E. Grand Ave.

Lincoln County

Stroud, *Hadley House,* 622 N. 4th Ave.

McCurtain County

Davis, Grobin, Mound Group,

McIntosh County

Checotah, *Methodist Episcopal Church, South,* 419 W. Gentry St.

Muskogee County

Muskogee, *Granger's Mortuary (Black Mortuaries of Muskogee TR),* 812 Emporia St.
Muskogee, *Ragsdale's Mortuary (Black Mortuaries of Muskogee TR),* 422 Denison St.

Okmulgee County

Okmulgee, *Eastside Baptist Church (Black Baptist Churches in Okmulgee TR)*, 219 N. Osage Ave.
Okmulgee, *First Baptist Church (Black Baptist Churches in Okmulgee TR)*, 521 N. Central Ave.

Osage County

Barnsdall *Bank of Bigheart (Richardsonian Romanesque Banks of Osage County TR)*, 308 W. Main St.
Burbank, *Bank of Burbank (Richardsonian Romanesque Banks of Osage County TR)*, McCorkle and 1st Sts.
Fairfax, *Osage Bank of Fairfax (Richardsonian Romanesque Banks of Osage County TR)*, 102 N. Main St.
Hominy, *Bank of Hominy (Richardsonian Romanesque Banks of Osage County TR)*, 102 W. Main St.

TENNESSEE

Davidson County

Nashville, *Berger Building*, 164 N. 8th Ave.

Franklin County

Winchester, *Valentine Square*, 111 N. Cedar St.

Greene County

Afton vicinity, *Brown-Neas House*, Old Johnson City Rd.

Hancock County

Sneedville vicinity, *Vardy School Community Historic District*, Blackwater Rd.

Knox County

Knoxville, *Bleak House*, 3148 Kingston Pike
Knoxville, *Westwood*, 3425 Kingston Pike

[FR Doc. 84-27929 Filed 10-22-84; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-209X)]

Burlington Northern Railroad Co.; Abandonment Exemption; in Pierce County, WA; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR Part 1152 Subpart F–*Exempt Abandonments*. The line to be abandoned is between M.P. 0.00, near Cascade Junction, and M.P. 8.80, near Carbonado, a distance of approximately 9.81 miles in Pierce County, WA.

BN certified (1) that no local or overhead traffic has moved over the line for least 2 years and (2) that no formal complaint filed by a user of rail service on the line or a state or local governmental entity acting on behalf of a user, regarding cessation of service over the line, either is pending with the Commission or has been decided in favor of a complianant within the 2-year period preceding this notice. The Public Service Commission (or equivalent agency) in Washington was notified in writing at least 10 days prior to the filing of this notice. See *Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment will be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. (1979).

The exemption will be effective on November 22, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by November 2, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 12, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

A copy of any petition filed with the Commission must be sent to applicant's representative: Peter M. Lee, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 12, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-27886 Filed 10-22-84; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-6)]

Intrastate Rail Rate Authority; Idaho

AGENCY: Interstate Commerce Commission.

ACTION: Assumption of Commission jurisdiction over Idaho Intrastate Rail Transportation.

SUMMARY: Pursuant to a request from the Idaho Public Service Commission (IPSC), the Commission will assert jurisdiction over intrastate freight rates in Idaho and vacate the provisional certification of IPSC.

EFFECTIVE DATE: October 23, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: .

In Ex Parte No. 388 (Sub-No. 6), *Intrastate Rail Rate Authority—Idaho* (not printed), served June 11, 1984, the Commission extended the provisional certification, under 49 U.S.C. 11501, of Idaho to allow the State time to make necessary statutory amendments, in conformance with Federal law, as set forth in that decision.

On September 7, 1984, Idaho filed a copy of its rulemaking rescinding its intrastate rail rules and stating that it will not seek final certification to regulate intrastate freight rates. Idaho also has expressed its desire that this Commission exercise jurisdiction over Idaho's intrastate railroad freight rates.

We are assuming jurisdiction over Idaho intrastate rail rates. At the same time, Idaho's provisional certification to regulate intrastate rates is terminated. Rail carriers in Idaho shall comply with Commission regulations, including the filing of intrastate tariffs with the Commission. Parties wishing to continue litigating cases that were pending before IPSC shall so advise Deputy Director Louis E. Gitomer, Rail Section, Office of Proceedings. In the case of any remaining pending State section 229 cases, parties shall consult immediately with Chief Administrative Law Judge David Allard. In this way, we will develop, with the parties, appropriate steps in each case to transfer the records and establish procedural schedules.

This decision does not significantly affect either the quality of the human environment or energy conservation.

Authority: 49 U.S.C. 11501.

Decided: October 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 84-27886 Filed 10-22-84; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-57 (Sub-12X)]

Soo Line Railroad Co.; Abandonment Exemption Towner County, ND

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Soo Line Railroad Company, of 20 miles of track between milepost 463.20 in the vicinity of Egeland, ND and the end of the line at milepost 483.20 at Armourdale, ND, in Towner County, ND, subject to standard labor protective conditions.

DATES: This exemption shall be effective on November 23, 1984. Petitions to stay

must be filed by November 2, 1984. Petitions for reconsideration must be filed by November 12, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB–57 (Sub-No. 12X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: C. Harold Peterson, 804 Soo Line Building, Box 530, Minneapolis, MN 55440.

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, D.C. 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: October 16, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 84–27887 Filed 10–22–84; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30569]

Tuscola and Saginaw Bay Railway Co., Inc.; Modified Rail Certificate

October 12, 1984.

On October 1, 1984, a notice was filed, as amended on October 5, 1984, by Tuscola & Saginaw Bay Railway Company, Inc. (TSBY) for a modified rail certificate of public convenience and necessity under 49 CFR Part 1150, Subpart C. As of October 1, 1984, TSBY is authorized to provide service over the line of railroad from Grawn, MI (milepost 158.21) to Williamsburg, MI (milepost 180.7) and from Bay View, MI (milepost 248.0) to Charlevoix, MI (milepost 231.59). The lines over which TSBY will provide service were purchased by the State of Michigan in 1981 from the Chesapeake and Ohio Railway Company.[1] These lines were formerly operated by Michigan Northern Railway Company (MNR). Service by MNR over these lines terminated September 30, 1984.

This notice shall be served upon the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreements, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84–27885 Filed 10–22–84; 8:45 am]

BILLING CODE 7035–01–M

[1] Docket No. AB 18 (Sub-No. 33 F), The Chesapeake and Ohio Railway Company—Abandonment—Between Manister and Bay View and Between Traverse City and Rennies, MI.

[Docket No. AB–6 (Sub-196X)]

Rail Section; Burlington Northern Railroad Co.; Abandonment; in King County, WA; Exemption

The Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned extends from milepost 0.0 near Palmer Junction to milepost 7.0 near Veazey, a distance of 7.0 miles in King County, WA.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Washington has been notified in writing at least 10 days prior to the filing of the notice. See *Exemption of Out of Service Rail Line,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment will be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on November 22, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by November 2, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 12, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to BN's representative: Peter M. Lee, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 17, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84–28006 Filed 10–22–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Certain Canned Tuna Fish

On August 15, 1984, the U.S. International Trade Commission (ITC) determined that increased imports of certain canned tuna fish products are not a substantial cause of serious injury or the threat thereof to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974. (49 FR 34310)

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance, and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public with the exception of information which the Secretary determines to be confidential).

The U.S. Department of Labor has concluded its report on certain canned tuna fish products. The report found as follows:

1. Average employment of production and production-related workers processing tuna fish in the Continental United States (including Hawaii) declined steadily during 1980–1983, but increased in both Puerto Rico an American Samoa. Average tuna fishing employment declined in 1983. Permanent industry employment levels are expected to continue declining in the Continental United States during 1984–1985, but should remain constant or increase in Puerto Rico and American Samoa.

2. The Department of Labor (DOL) has received two petitions involving workers in the tuna processing industy since April 3, 1975, the effective date of the adjustment assistance program

under the Trade Act of 1974. One, covering about 650 workers in Ponce, Puerto Rico was denied in 1982. The other, covering about 1,200 workers in San Diego, California, was certified in early September 1984.

3. Most of the production worker occupations involved in tuna processing operations are considered unskilled while most of the occupations involved in tuna fishing operations are considered skilled to highly skilled.

4. Unemployment rates for three of the six areas serving as home ports for the domestic tuna fishing fleet and/or containing tuna processing facilities were above the national unemployment rate of 7.2 percent (unadjusted) for May 1984. Reemployment prospects for present and potentially separated fishing and processing workers are mostly poor in California, fair in Hawaii and Puerto Rico, and good in American Samoa.

5. A total of $29.7 million is available in Fiscal Year 1984 to provide training, job search and relocation allowances and $52.0 million is available to provide trade readjustment allowances (TRA) to eligible tuna fishing and processing workers as well as all other eligible workers of industries adversely affected by import competition under the trade adjustment assistance program. Funding for Fiscal Year 1985 is expected to be continued at about Fiscal Year 1984 levels. All worker trade adjustment assistance (TAA) program benefits and allowances will expire on September 30, 1985, unless the legislative authority is extended.

Dislocated workers from the tuna fish industry should benefit from $427.2 million which has been set aside for the administration and delivery by the States of dislocated worker benefits under Title III of the Job Training Partnership Act (JTPA) for the October 1, 1983–June 30, 1985 period, and an additional $223.0 million requested for the July 1, 1985–June 30, 1986, period. In addition, some tuna fish industry workers should also be eligible for other JTPA programs, including the Title II–A disadvantaged worker program.

Copies of the Department's report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting Larry Ludwig, Office of Trade Adjustment Assistance, U.S. Department of Labor, 601 D Street, NW., Room 6020, Washington, D.C. 20213 (phone 202–376–7163).

Signed at Washington, D.C. this 15th day of October 1984.

Patrick J. O'Keefe,

Deputy Assistant Secretary of Labor.

[FR Doc. 84–27926 Filed 10–22–84; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance: Berkshire Tanning Co., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 2, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 2, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C., 20213.

Signed at Washington, D.C. this 15th day of October 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Berkshire Tanning Co. (workers)	North Adams, MA	10/9/84	10/3/84	TA-W-15,485	Leather, side, cowhide.
Clinton Apparel Manufacturing Co. (ILGWU)	Clinton, NC	9/1/84	8/27/84	TA-W-15,486	Slacks, skirts, tops, women.
Draper Corp. (company)	Spartanburg, SC	10/9/84	10/1/64	TA-W-15,487	Looms, textile and parts.
Draper Corp. (company)	Greensboro, NC	10/9/84	10/1/84	TA-W-15,488	Looms, textile and parts.
Hyde Athletic Industries, Spot-Bilt Factory (workers)	Bangor, ME	10/11/84	10/4/84	TA-W-15,489	Shoes, running.
Kurt Preiss Leather Creations, Inc. (workers)	Hallandale, FL	9/7/84	8/27/84	TA-W-15,490	Handbags, reptile, leather, ladies.
Leckenby Co. (Ironworkers)	Seattle, WA	10/12/84	10/1/84	TA-W-15,491	Fabrication, steel structural.
Manistee Footwear (workers)	Worcester, MA	10/1/84	9/28/84	TA-W-15,492	Footwear, casual, men's.
Purolator Products, Inc. (Independent Union of Purolator Employees).	Ringtown, PA	10/9/84	10/2/84	TA-W-15,493	Filters, fuel, oil.
RCA Corp., Consumer Electronics (wkrs)	Bloomington, IN	10/11/84	10/9/84	TA-W-15,494	TV's, color, boards, stereo.
Scio Pottery Co., Inc. (workers)	Scio, OH	10/10/84	10/4/84	TA-W-15,495	Pottery ware.

[FR Doc. 84–27928 Filed 10–22–84; 8:45 am]

BILLING CODE 4510–30–M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance; JBL, Inc., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 8, 1984–October 12, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–15,384; JBL, Inc., Northridge, CA
TA–W–15,326; C.M. Offray & Sons, Inc., Hughesville, PA
TA–W–15,309; National Forge Co., Irvine, CA
TA–W–15,314; Houdaille Industries, Inc., DI-Acro Div., Lake City, MN
TA–W–15,350; Chanin Clothing Co., New York, NY
TA–W–15,349; Transamerica Delaval, Inc., Delroyd Worm Gear Div., Trenton, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–15,283; Reltoc Manufacturing Co., Inc., Forrest City, AR
TA–W–15,406; Union/Butterfield Div., Litton Industries, Athol, MA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–15,278; Ingersoll-Rand Co., Painted Post, NY

Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA–W–15,383; Hercules, Inc., Coatings & Specialty Products Dept., Parlin, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA–W–15,337; Ferroxcube, Saugerties, NY

A certification was issued covering all workers separated on or after January 1, 1984.

TA–W–15,287; American Felt Slipper Co., Inc., Brewer, ME

A certification was issued covering all workers separated on or after September 1, 1983.

TA–W–15,469; Rest Right Slipper Co., New York, NY

A certification was issued covering all workers separated on or after September 1, 1983 and before February 1, 1984.

TA–W–15,299; Elegante Creations, Inc., Weehawken, NJ

A certification was issued covering all workers separated on or after June 30, 1983 and before April 30, 1984.

TA–W–15,294; Alco Power, Inc., Auburn, NY

A certification was issued covering all workers separated on or after April 5, 1983 and before March 15, 1984.

TA–W–15,292; Stackpole Components Co., Farmville, VA

A certification was issued covering all workers separated on or after May 1, 1984.

TA–W–15,365; Melville Footwear Manufacturing, Mountain City, TN

A certification was issued covering all workers separated on or after June 20, 1983.

TA–W–15,378; Welpro, Inc., Seabrook, NH

A certification was issued covering all workers separated on or after December 2, 1983 and before September 1, 1984.

TA–W–15,341; Rueping East, Inc., Tauton, MA

A certification was issued covering all workers separated on or after March 1, 1984 and before September 30, 1984.

TA–W–15,315; Mitel, Inc., Ogdensburg, NY

A certification was issued covering all workers engaged in employment related to the production of Super Set 4 separated on or after January 1, 1984.

TA–W–15,290; Milford Shoe, Inc., Milford, MA

A certification was issued covering all workers separated on or after September 1, 1983.

I hereby certify that the aforementioned determinations were issued during the period October 8, 1984–October 12, 1984. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 16, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–27927 Filed 10–22–84; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–15,130–32]

Somersworth, Inc., et al; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

According to section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance on July 6, 1984 to workers and former workers of Somersworth, Inc., Somersworth Shoe Company and the Somersworth Wood Heel Company in Somersworth, New Hampshire. The Notice of Certification was published in the **Federal Register** on July 17, 1984 (49 FR 28938).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification for the Somersworth, New Hampshire workers, TA–W–15,130–32. The additional information revealed that additional layoffs occurred prior to the January 1, 1984 impact date.

It was the Department's intent to include all workers as eligible to apply for adjustment assistance who were laid off from Somersworth, Inc., Somersworth Shoe Company, and the Somersworth Wood Heel Company, Somersworth, New Hampshire.

The amended certification for TA–W–15,130–32 is hereby issued as follows:

All workers of Somersworth, Incorporated, Somersworth Shoe Company and Somersworth Wood Heel Company, Somersworth, New Hampshire, who became totally or partially separated from employment on or after September 1, 1983 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of October 1984.

Robert O. Deslongchamps,

Director, Office of Legislation and Acturial Services, UIS.

[FR Doc. 84–27924 Filed 10–22–84; 8:45 am]
BILLING CODE 4510–30–M

Occupational Safety and Health Administration

New Mexico State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional

Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 10, 1975, notice was published in the **Federal Register** (40 FR 57455) of the approval of the New Mexico State plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico State plan provides for the adoption of Federal standards as State standards after:

1. Technical Advisory Committee recommendation to the Environmental Improvement Division.

2. Notice of public hearing published in a newspaper of general circulation in the State at least thirty (3) days prior to the date of such hearing.

3. Public hearing conducted by the Environmental Improvement Board.

4. Filing of adopted regulations, amendments or revocations under the State Rules Act.

Section 1952.363 of Subpart DD sets forth the State's schedule for adoption of Federal standards. By letter dated June 12, 1984, from Carol Oppenheimer, Bureau Chief, to Gilbert J. Saulter, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.1200, Hazard Communication; 29 CFR 1910.177 Servicing Multi-Piece and Single Piece Rim Wheels; 29 CFR 1910.401—1910.441 Commercial Diving Operations Amendment to remove § 1910.411; and 29 CFR Part 1910, Revocation of advisory and Repetitive Standards. 29 CFR 1910.1200, was published in the **Federal Register** (48 FR 53280–53348) dated November 25, 1983; 29 CFR 1910.177 was published in the **Federal Register** (49 FR 4350–4352) dated February 3, 1984; 29 CFR 1910.411 was published in the **Federal Register** (49 FR 881) dated January 6, 1984; 29 CFR Part 1910 revocations were published in the **Federal Register** (49 FR 5318–5324) dated February 10, 1984.

These standards which are contained in New Mexico Occupational Health and Safety Regulations, section 200—General Industry Standards, were promulgated after a public hearing held on May 11, 1984.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor—OSHA, Room 602, 555 Griffin and Young Streets, Dallas, Texas 75202; Director, Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87503; and the Office of State Programs, Room N3700, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the New Mexico State plan as proposed changes and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. Standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 23, 1984.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Dallas, Texas, this 30th of July, 1984.

Gilbert J. Saulter,

Regional Administrator.

[FR Doc. 84–27922 Filed 10–22–84; 8:45 am]

BILLING CODE 4510–26–M

New Mexico State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to the State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 10, 1975, notice was published in the **Federal Register**, 40 FR 57455, of the approval of the New Mexico State plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico State plan provides for the adoption of State standards as State standards after:

1. Technical Advisory Committee recommendation to the Environmental Improvement Division.

2. Notice of public hearing published in a newspaper of general circulation in the State at least thirty (30) days prior to the date of such hearing.

3. Public hearing conducted by the Environmental Improvement Board.

4. Filing of adopted regulations, amendments or revocations under the State Rules Act.

Section 1952.363 of Subpart DD sets forth the State's schedule for adoption of Federal standards. By letters dated June 22, 1983, from Carol Oppenheimer, Bureau Chief, to Gilbert J. Saulter, Regional Administrator, and July 28, 1983, from Albert M. Stephens, Technical Services Program Manager, to Gilbert J. Saulter, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1926.500(g), Guardrails, Handrails, and Covers; Guarding of Low Pitched Roof Perimeters During the Performance of Built Up Roofing Work as published in the **Federal Register** at 45 FR 75625–75631, dated November 14, 1980, and 29 CFR 1910.99, Source of Standards, published in the **Federal Register** at 47 FR 25343, dated June 11, 1982. These standards, which are contained in New Mexico Occupational Health and Safety Regulations 300—Construction Standards and 200-General Industry Standards, were promulgated after a public hearing held on July 29, 1982.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor-OSHA, 555 Griffin Square Building, Room 602, Griffin at Young Streets, Dallas, Texas 75202; Director, Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87503; and the Technical Data Center,

Room N2439, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the New Mexico State plan as proposed changes and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 23, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Dallas, Texas, this 10th day of August, 1983.

Gilbert J. Saulter,

Regional Administrator.

[FR Doc. 84-27923 Filed 10-22-84; 8:45 am]

BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted by letter dated May 22, 1984, from Darrel D. Douglas, Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, an amendment to State standards comparable to the amendment of 29 CFR 1910.266, Pulpwood Logging, as published in the **Federal Register** (43 FR 49726) on October 24, 1978 and subsequent corrections in the **Federal Register** (43 FR 51759) on November 7, 1978.

These State standards which were originally contained in OAR 437, Chapter 16, received OSHA approval, and notice to that effect was published in the **Federal Register** (40 FR 36817) on August 22, 1975.

On June 15, 1983, the Notice of Proposed Amendment of Rules was mailed to those persons on the State's mailing list established pursuant to OAR 436-90-505. The Notice was published in the State Administrative Rules Bulletin on July 1, 1983. Both actions failed to elicit requests for a public hearing. As part of the amendment, the State standards have been renumbered to OAR 437, Division 317, and editorial changes, consisting of the rewording of several of the remaining standards, have been made.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the requirements of the State standards are identical to the comparable Federal standards. There are no significant areas of difference. Accordingly, the Oregon Standards OAR 437, Division 317, Pulpwood Logging, should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003 Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Board, Labor and Industries Building, Salem, Oregon 97310, and the Office of State programs, Room N-3613, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirement of State law which included opportunity for public comment and further public participation would be repetitious.

This decision is effective October 23, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 28th day of June 1984.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 84-27921. Filed 10-22-84; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

October 17, 1984.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on November 7-9, 1984.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C. The afternoon sessions on November 7th and a portion of the morning and afternoon sessions on November 8th, 1984 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination

under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on November 7 and 8, 1984 will be as follows:

November 7th—Committee Meetings

Challenge Grants—Room 430

1:30 p.m.–2:30—(Open to the Public)—Policy Discussion
2:30 p.m.–5:00—(Closed to the Public)—Discussion of specific grant applications before the Council
2:00 p.m.–Adjourn

Jefferson Lecture—Room 506

(Closed to the Public)—Discussion of Jefferson Lecture Nominees

November 8th

(Open to the Public)

8:30 a.m.–9:30—Coffee for Council Members—Room 502
9:30 a.m.–10:30—Committee Meetings—Policy Discussion
Education Programs—Room M–14
Fellowship Programs—Room 315
General Programs—Room 415
Research Programs—Room 316–2
State Programs—Room M–07
10:30 a.m.—Adjourn

Committee Meetings (Continued)

(Closed to the Public for the reasons stated above)—Consideration of specific applications

The morning session on November 9, 1984 will convene at 8:30 a.m. in the 1st Floor Council Room M–09 and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.–9:00 a.m.)

Minutes of the Previous Meeting

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. Significance and Endowment Grants
E. New York Public Library
F. Committee Reports on Policy and General Matters
  a. State Programs
  b. General Programs
  c. Research Programs
  d. Fellowship Programs
  e. Education Programs
  f. Challenge Grants
  g. Jefferson Lecture
G. Application Report; Gifts and Matching Report; and Final FY 1984 Obligations
H. FY 1985 Appropriation and Program Allocations
I. Emergency Grants and Actions Departing from Council Recommendation—Awards

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 84–27933 Filed 10–22–84; 8:45 am]

BILLING CODE 7536–01–M

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: November 19, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted to the Research Translation Program: Asian/Indic Panel, Division of Research Program, for projects beginning after April 1, 1985.

Date: November 19–20, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after April 1, 1985.

Date: November 19–20, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 316.
Program: This meeting will review applications submitted to the Research Resources Program: American Studies II Panel, Division of Research Programs, for projects beginning after April 1, 1985.

Date: November 26, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted to the Research Translation Program: Near Eastern Panel, Division of Research Programs, for projects beginning after April 1, 1985.

Date: November 26–27, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after April 1, 1985.

Date: November 26–27, 1984.
Time: 8:30 a.m. to 5:00 p.m.
Room: 316.
Program: This meeting will review applications submitted to the Research Resources Program: World Studies Panel, Division of Research Programs, for projects beginning after April 1, 1985.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 84–27934 Filed 10–22–84; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.
Date: November 8 and 9, 1984.
Time: 9:00 a.m.—5:00 p.m., November 8.
Time: 9:00 a.m.—3:30 p.m., November 9.
Place: Room 540, National Science Foundation.
Type of Meeting: Open.
Contact Person: Dr. Laura P. Bautz, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, DC 20550 Telephone: 202 357–9488.
Summary Minutes: May be obtained from the contact person at the above address.
Purpose of Committee: To provide advice and recommendations concerning research in

astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning long range plans in astronomy.

Agenda:

November 8, 1984

9:00 a.m.—5:00 p.m.—Introductory Remarks, Report on Advanced Scientific Computing, Report of Astronomy Center Section Oversight Subcommittee, FY 85 Budget and FY 86 Outlook.

November 9, 1984

9:00 a.m.—3:30 p.m.—Continuation of presentations and discussions of previous day, Report on Infrared Astronomy.

Dated: October 18, 1984.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84-27961 Filed 10-22-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Earthquake Hazard Mitigation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Earthquake Hazard Mitigation (EHM).

Date and Time: November 8, 1984—9:00 a.m. to 5:00 p.m. November 9, 1984—9:00 a.m. to 3:00 p.m.

Place: Joseph Henry Building, Room 451, 21st and Pennsylvania Avenue, NW., Washington, D.C.

Type of Meeting: Open.

Contact Person: Rowena Peacock, Administrative Officer (CEE) National Science Foundation, Room 1130, Wahington, D.C. 20550, Telephone: (202) 357-9545.

Summary Minutes: Minutes may be obtained from the contact person.

Agenda:

Thursday, November 8, 1984

9:00—9:15—Introductions
Approval of Summary of 10th Meeting
9:15—9:30—Comments—National Science Board
9:30—10:00—Activities of Engineering Directorate
10:00—10:30—Activities of CEE Division
10:30—10:45—Break
10:45—11:00—EHM Activities-Progress Report (including Action Items from 10th Meeting)
11:00—12:00—Report by Lead Agency
12:00—1:30—Lunch
1:30—5:00—Discussion of Policy Issues:

1. Experimental Research Facilities and Ongoing Activities of Various Committees
2. 5-Year Plan
3. Societal Response and the NSF Budget
4. Strong Motion Instrumentation Program—How can NSF assist in strengthening and consolidating the program?
5. Funding of Workshops and Conferences
6. Impact of ERC's on EHM Budgets
7. Base Isolation Research
8. International Activities
9. Miscellaneous Issues

Friday, November 9, 1984

9:00—12:00—Continued Discussion of Policy Issues
12:00—1:00—Lunch
1:30—3:00—Continue Discussion of Policy Issues

Dated: October 18, 1984.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84-27960 Filed 10-22-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Biological Instrumentation; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Biological Instrumentation.

Date and Time: Thursday and Friday, November 8 and 9, 1984 from 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C., Room 628.

Type of Meeting: Closed.

Contact Person: John C. Wooley, Program Director, Biological Instrumentation Program, Room 325E, Telephone: 202/357-7652.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research instrumentation.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 18, 1984.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84-27959 Filed 10-22-84; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Tracy Spencer, (202) 632-6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on September 25, 1984 (49 FR 37684). Individual authorities established or revoked under Schedules A, B, or C between September 1, 1984 and September 30, 1984 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

Department of Agriculture

Twelve positions of Agricultural Program Specialist, GS-1145-7/12, engaged in conversion of the Agricultural Stabilization and Conservation Service's directives and information system to a completely automated format. Appointments to these positions may be made initially at grades GS-7/11 and may not exceed December 31, 1986.

Schedule B

No Schedule B exceptions were established or revoked during September.

Schedule C

The following exceptions are established:

Department of Agriculture

One Confidential Assistant to the Under Secretary for Small Community and Rural Development. Effective September 4, 1984.

One Confidential Assistant to the Assistant Secretary for Governmental

and Public Affairs. Effective September 26, 1984.

One Private Secretary to the Assistant Secretary for Food and Consumer Services. Effective September 27, 1984.

One private Secretary to the Administrator, Rural Electrification Administration. Effective September 27, 1984.

Department of Commerce

One Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis, International Trade Administration. Effective September 10, 1984.

One Special Assistant to the Director, Office of Public Affairs. Effective September 14, 1984.

Department of Defense

One Private Secretary to the Director, Strategic Defense Initiative Office. Effective September 7, 1984.

One Special Assistant to the Assistant Secretary of Defense (Health Affairs). Effective September 26, 1984.

One Assistant for Policy Analysis to the Deputy Assistant Secretary of Defense (European and NATO Policy). Effective September 27, 1984.

One Private Secretary to the Principal Deputy Assistant Secretary of Defense (Reserve Affairs). Effective September 27, 1984.

Department of Education

One Confidential Assistant to the Director, National Institute of Education. Effective September 20, 1984.

Department of Energy.

One Special Assistant to the Assistant Secretary for Nuclear Energy. Effective September 19, 1984.

One Director, Outreach Division, Office of Policy Integration and Outreach Division. Effective September 27, 1984.

Department of Health and Human Services

One Special Assistant to the Director, Office of Public Affairs. Effective September 26, 1984.

One Confidential Staff Assistant to the Senior Advisor to the Secretary. Effective September 27, 1984.

Department of Housing and Urban Development

One Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations. Effective September 5, 1984.

One Special Assistant to the regional Administrator/Regional Housing Commissioner, in New York, New York. Effective September 7, 1984.

One Senior Assistant for Legislation to the Deputy Assistant Secretary for Legislation. Effective September 14, 1984.

One Staff Assistant to the Assistant Secretary for Legislation and Congressional Relations. Effective September 14, 1984.

One Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations. Effective September 14, 1984.

One Special Assistant to the Regional Administrator/Regional Housing Commissioner, in Philadelphia, Pennsylvania. Effective September 14, 1984.

Department of the Interior

One Confidential Assistant to the Secretary. Effective September 14, 1984.

One Confidential Assistant to the Special Assistant (Field Representative), Secretary's Field Coordination Office, in Sacramento, California. Effective September 14, 1984.

Department of Justice

One Special Assistant to the Director, National Institute of Justice. Effective September 14, 1984.

One Assistant to the Director, Congressional and Public Affairs, Immigration and Naturalization Service. Effective September 26, 1984.

Department of Labor

One Executive Assistant to the Assistant Secretary for Employment and Training. Effective September 7, 1984.

One Executive Assistant to the Assistant Secretary for the Occupational Safety and Health Administration. Effective September 7, 1984.

One Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs in Philadelphia, Pennsylvania. Effective September 18, 1984.

One Assistant to the Deputy Under Secretary for Legislative affairs. Effective September 18, 1984.

One Confidential Staff Assistant to the Assistant Secretary for Mine Safety and Health. Effective September 26, 1984.

One Special Assistant to the Administrator, Pension and Welfare Benefit Programs. Effective September 26, 1984.

Department of the Navy

One Staff Assistant to the Under Secretary of the Navy. Effective September 7, 1984.

One Private Secretary to the Assistant Secretary of the Navy (Manpower and Reserve Affairs). Effective September 12, 1984.

One Private Secretary to the assistant Secretary of the Navy (Shipbuilding and Logistics). Effective September 18, 1984.

Department of State

One Legislative Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective September 5, 1984.

One Special Assistant to the Counselor of the Department of State. Effective September 21, 1984.

Department of Transportation

One Special Assistant to the Administrator, Federal Highway Administration. Effective September 10, 1984.

One Staff Assistant to the Executive Secretary. Effective September 17, 1984.

ACTION

One Special Assistant to the Assistant Director for Policy and Planning. Effective September 7, 1984.

One Special Assistant to the Director. Effective September 26, 1984.

Arms Control and Disarmament Agency

One Congressional Affairs Specialist to the Deputy Director. Effective September 5, 1984.

Commission on Civil Rights

One Special Assistant for Congressional Affairs to the Staff Director. Effective September 25, 1984.

Executive Office of the President

One Legislative Clerk to the Chief, Legislative Budget Support Group, Office of Management and Budget. Effective September 19, 1984.

Export-Import Bank of the United States

One Private Secretary to the First Vice President and Vice Chairman. Effective September 14, 1984.

General Services Administration

One Confidential Assistant to the Director, Office of Congressional Affairs. Effective September 21, 1984.

One Director, Office of the Executive Secretariat. Effective September 27, 1984.

National Endowment for the Humanities

One Special Assistant to the Assistant Chairman. Effective September 14, 1984.

Office of Personnel Management

One Attorney-Advisor to the General Counsel. Effective September 13, 1984.

Securities and Exchange Commission

One Confidential Advisor on Corporate Practice to the Director, Division of Enforcement. Effective September 12, 1984.

United States Information Agency

One Special Assistant to the Director, Television and Film Service. Effective September 19, 1984.

United States Tax Court

One Secretary (Confidential Assistant) to a Judge. Effective September 14, 1984.

U.S. Office of Personnel Management,

Donald J. Devine,

Director.

[FR Doc. 84-27842 Filed 10-22-84; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee; Meeting

AGENCY: Hydropower Assessment Steering Committee 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.

- Pacific Northwest Hydro Assessment Study update
- Update on FERC activities
- Other
- Public comment

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee.

DATE: October 30, 1984. 1:00 p.m.

ADDRESS: The meeting will be held at the Council Hearing Room, 850 S. W. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-27905 Filed 10-22-84; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14203; 811-3077]

Interplan Variable Account; Filing of Application for an Order pursuant to Section 8(f) of the Act Declaring That Applicant Has Ceased To Be An Investment Company

October 18, 1984.

Notice is hereby given that Interplan Variable Account ("Applicant"), Anchor Centre One, Camelback at 22nd Street, Phoenix, Arizona, 85014, an open-end, diversified management company registered under the Investment Company Act of 1940 (the "Act"), filed an application on August 20, 1984 and an amendment thereto on September 24, 1984, pursuant to section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for the text of the relevant statutory provisions.

The application states that the Applicant filed a registration statement under the Act which became effective on October 6, 1981, but that no public offering of its securities was ever made. Applicant has no security holders and has no intention of making a public offering of its contracts or of engaging in business of any kind.

Notice is further given that any interested person may, not later than November 13, 1984, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion.

Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-27908 Filed 10-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23456; 70-7026]

Middle South Energy, Inc.; Proposed Financing of Pollution Control Facilities; Issuance and Pledge of First Mortgage Bonds; Exception From Competitive Bidding

October 18, 1984.

Middle South Energy, Inc. ("MSE"), P.O. Box 61000, New Orleans, Louisiana, a wholly owned subsidiary of Middle South Utilities, Inc. ("MSU"), a registered holding company, has proposed a transaction subject to sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules 44 and 50(a)(5) thereunder.

In order to finance the acquisition, construction, installation, and equipping of pollution control facilities ("facilities") at its Grand Gulf Nuclear plant ("plant"), MSE proposes to enter into one or more installment sales agreements (collectively, the "Agreements") with Claiborne County Mississippi ("County"). The County would issue one or more series of its pollution control revenue bonds ("bonds") in an aggregate amount up to $250 million pursuant to trust indentures ("Indenture"). The net proceeds would be deposited with an indenture trustee ("Trustee") and applied toward the installation of the facilities. The Agreements will require that MSE pay the County the purchase price of the facilities in installments over a term of years. The purchase price will be an amount sufficient to pay the principal of, premium, if any and interest on the bonds, as well as related agency fees and expenses incurred by the County or Trustee.

The indenture will provide that the bonds will be redeemable by the County at the direction of MSE upon the occurrence of certain events relating to the construction or operation of the plant or the facilities. Any series of the bonds may be subject to a mandatory cash sinking fund, and a mandatory redemption in other cases. In such circumstances, the payments by MSE

shall be sufficient (together with other moneys held by the Trustee under the Indenture and available therefore) to pay the principal on the bonds together with interest accrued or to accrue to the redemption date. The bonds will be subject to optional redemption, at the direction of MSE, in whole or in part, at the redemption prices and times set forth in the Indenture, plus accrued interest to the redemption date. The proceeds of the bonds, after completion of the facilities, may remain unused for the redemption or purchase of the bonds at the direction of MSE.

It is proposed that the bonds mature not less than 5 years nor later than 35 years from their date of issuance. One or more series of the bonds may have an adjustable interest rate. The adjustable rate during the first Rate Period will be based on the current tax-exempt market rate for comparable bonds. Thereafter, for each Rate Period, the interest rate on such bonds (a) will, if no bonds are tendered for purchase, be determined by the Indexing Agent based on the index of the current market level for comparable securities or (b), if any bonds are tendered for repurchase, will be the rate sufficient to remarket all such bonds at their principal amount. During adjustment, the interest rate will be no greater than 120% nor less than 80% of such index, subject to a maximum rate of interest of 15%. After the termination of the initial Rate Period, each Rate Period thereafter, other than the period commencing on the Fixed Rate Date, will be one year. The indexing agent will determine the index used to establish the interest rate for each Rate Period of such bonds. The annual interest rates on the bonds, assuming an initial Rate Period of 3 years, can be expected to be 3% to 5% lower than rates on long-term (30-year) obligations of like tenor, interest on which is tax exempt. Annual interest rates on long-term tax exempt obligations at the time of issuance of such bonds is expected to be 1% to 2% lower than rates on obligations of like tenor, interest on which is fully taxable.

Bondholders will have the right to tender their bonds for purchase, at a price equal to the principal amount on the dates specified in the Indenture. A Tender Agent may be appointed to facilitate the transfer of any bonds delivered by holders exercising this right. All obligations of MSE with respect to the purchase of a series of bonds would terminate following the Fixed Rate Date with respect to such series of bonds. MSE will be obligated to pay amounts equal to the amounts paid by the Remarketing Agent or Tender Agent, less amounts available from resales of such bonds by a Remarketing Agent. The Remarketing Agent will be required to use its best efforts to resell tendered bonds at a price equal to the principal amount, at an interest rate approximating the current market rate for comparable securities as established by the Indexing Agent, subject to maximum and minimum limitations set forth in the Indenture. Under certain circumstances, the bonds may be remarketed at a discount or premium.

In order to obtain a favorable rating on any series of bonds, MSE may arrange for letters or credit ("letter") from a bank or banks ("Bank") in favor of the Trustee. Payments with respect to principal, premium, if any, interest and purchase obligations would be secured by, or payable from, funds drawn under the letter. To induce the Bank to issue such letter, MSE would enter into a reimbursement agreement ("Reimbursement Agreement") to reimburse the Bank for all amounts drawn under its letter. The letter may expire or be terminated prior to maturity of the series of bonds secured by such letter, and in connection with such expiration or termination, such series of bonds may be subject to mandatory redemption on or prior to the date of expiration or termination of such letter.

As security for its obligations to make payments under each Reimbursement Agreement, MSE may assign, for the benefit of the Bank its rights under the Availability Agreement, dated June 21, 1974 ("Availability Agreement"). In addition, MSE may make such an assignment for the benefit of the Trustee and the holders of the Pollution Control Bonds as security for MSE's obligations under the Agreement. As additional security for its obligations under each Reimbursement Agreement, MSE may assign, for the benefit of the Bank, its rights under the Capital Funds Agreement, dated June 21, 1974 ("Capital Funds Agreement"). In addition, MSE may make such an assignment for the benefit of the Trustee and the holders of the Pollution Control Bonds as security for MSE's obligations under the Agreement.

As an alternative to the letter, MSE may arrange to have the bonds secured by a commercial bond insurance company. Or, in order to obtain security for the bondholders equivalent to the security accorded to holders of first mortgage bonds ("First Mortgage Bonds") outstanding under MSE's Mortgage and Deed of Trust as supplemented ("Mortgage"), MSE may obtain authentication of one or more new series of First Mortgage Bonds under the Mortgage. The First Mortgage Bonds would be issued on the basis of unfunded net property additions and pledged to the Trustee. As security for the First Mortgage Bonds, MSE may assign its rights under the Availability Agreement, and may assign its rights under the Capital Funds Agreement. MSE requests a finding by the Commission that competitive bidding is inappropriate under the circumstances.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 13, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact 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 proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-27970 Filed 10-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14204; 812-5611]

The Piedmont Income Fund, Inc., Filing of Application for an Order Exempting Applicant

October 16, 1984.

Notice is hereby given that The Piedmont Income Fund, Inc. ("Applicant"), 1150 Connecticut Avenue, NW., Suite 705, Washington, D.C. 20036, a registered open-end investment Company, filed an application on July 26, 1983, and amendments thereto on August 17 and October 12, 1984, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order exempting Applicant from the provisions of sections 18(f)(1) and 17(f) of the Act to the extent necessary to permit Applicant to invest in stock index futures contracts and related options. All interested persons are referred to the application on file with the Commission for a statement of

the representations contained therein, which are summarized below. Such persons are also referred to the Act for the text of the provisions thereof, including section 6(c) of the Act, which are relevant to a consideration of the application.

The application states that the investment objective of Applicant is to realize dividend income qualifying for the 85% dividends received deduction for its corporate shareholders, rather than to achieve gains from increases in the value of its securities, by investing in stocks of large, established domestic corporations that have a history of yielding higher than average dividends. The application further states that, in order to hedge its portfolio, the Applicant may simultaneously purchase put options and sell call options on stock indexes, and may sell stock index futures contracts and simultaneously purchase put options and sell call options on stock index futures contracts.

According to the application, a writer of call options on market indexes is required by the various exchanges to deposit with the broker handling the transaction an "initial" margin, which is, in general, equal to the option premium plus a percentage of the index value times the index multiplier minus any amount that the contract is out of the money on the day of sale. Margin deposits on such options must be maintained based on the daily market value of the option, in a manner similar to futures contract variation margin, by payments to and from the broker of "maintenance" margin. Applicant represents that, on the occasions that it has the right to receive maintenance margin from the broker, it will demand payment and transfer of such amounts (for the general or segregated accounts as appropriate) upon notification by the broker that such amount payable from the given broker reaches $50,000. In lieu of depositing any margin with the broker, when the Applicant writes call options on indexes, it will segregate with its custodian cash or U.S. government or other high-grade short-term debt obligations equal in value to the amount it would otherwise be required to deposit or maintain as margin.

Applicant represents that, unlike when it sells a security, no funds are received by it upon the sale of a futures contract. Initially, it will be required to deposit for the account and in the name of the commodities broker in a segregated account with Applicant's custodian an amount of cash or United States Treasury bills equal to approximately 5% of the contract amount. This amount is known as initial margin. Applicant represents that the nature of the initial margin in futures transactions differs from that of margin in security transactions in that futures contract margin does not involve the borrowing of funds by the customer to finance the transactions. Rather, the initial margin is in the nature of a performance bond or good faith deposit on the contract which is returned to Applicant upon termination of the futures contract, assuming all contractual obligations have been satisfied. Subsequent payments, called variation margin, to and from the broker, a process known as "mark to the market," are required to be made on a daily basis as the price of the underlying stock index fluctuates making the short positions in the futures contract more or less valuable.

When the Applicant writes an in-the-money call option on a futures contract, it represents that it will segregate with its custodian cash or U.S. Government or other high-grade short-term debt obligations equal in value to the amount by which the call is in the money when written.

Applicant represents that in connection with an application to the CFTC for a determination that Applicant is not a commodity "pool" under the CFTC Regulations, Applicant has agreed that it will not engage in transactions in stock index futures contracts or related options for speculation but only as a hedge to protect against changes in the value of securities held in Applicant's portfolio and only when the transactions are economically appropriate to the reduction of risks inherent in the ongoing management of Applicant. Applicant also represents that the aggregate market value at the time of sale of all open futures contracts sold by Applicant, together with the aggregate market value of all futures contracts with respect to which Applicant is either a writer or a holder of an option, will not exceed 33⅓% of Applicant's net assets. Further, margin deposits for futures contracts sold by Applicant, together with premiums paid by it for options thereon and options on stock indexes, will not exceed 5% of Applicant's net assets.

Applicant submits that its proposed sales of stock index futures contracts and related options, and sales of call options on stock indexes, subject to the limitations set forth above as to the percentage of the portfolio which may be hedged and the percentage of Applicant's net assets which may be deposited as margin, is in the best interests of the Fund and its shareholders and consistent with the policy and provisions of the Act. In addition, to the extent that sections 18(f)(1) and 17(f) of the Act may be deemed to apply to Applicant's proposed sales of stock index futures contracts, options thereon, and call options on stock indexes, applicant submits that, because such sales are designed to reduce the risks associated with a portfolio of equity securities, the requested exemption from such sections is necessary and appropriate in the public interest and consistent with the protection of investors.

In further support of the requested exemption from 17(f) of the Act, the application represents that the Applicant intends to effect separate custodian arrangements among the Applicant, its custodian bank and the commodities brokers, pursuant to which the Applicant's margin deposits relating to future contracts would be held by the custodian in a segregated account subject to disposition by the commodities broker in accordance with the CFTC Rules and the rules of the various commodities exchange. Similarly, it is represented that the Applicant intends to effect separate custodian arrangements among the Applicant, its custodian bank and the brokers, pursuant to which the Applicant's margin accounts relating to options on indexes would be held by the custodian subject to disposition by the brokers in accordance with the rules of the various stock and options exchanges.

These agreements will provide that (1) the custodian will take instructions with respect to disposition of assets in that account only from the broker and (2) in directing any disposition of assets, the broker must state that the Applicant is in default (unless the directed disposition is to the Fund's general custodial account), that all conditions precedent to its right to direct disposition have been satisfied, and that the disposition is for a proper purpose under, and in all other respects complies with, the terms of its agreement with the Applicant. The Applicant will enter into an agreement with each broker to provide that (1) Applicant's assets that would otherwise be held by the broker will be in the possession of the custodian until released or sold or otherwise disposed of in accordance with or under the terms of the agreement, (2) those assets will not otherwise be pledged or encumbered by the broker, (3) when requested by the applicant, the broker will cause the custodian to release to the Applicant's general custodial account any assets to

which the Applicant is entitled under the terms of such agreement, and (4) assets in the segregated account shall otherwise be used only to satisfy the Applicant's obligations to the broker under the terms of that agreement. The Applicant will promptly cause to be transferred to the general custodial account any amounts no longer required as margin to support its futures contracts. In the prospectus used for the sales of its shares, the Applicant will appropriately disclose the risk of loss or delay in recovery of margin deposits in the event of a broker's insolvency or bankruptcy, although the foregoing arrangements are intended to reduce the risk.

The Applicant further states that any variation margin payable by brokers to the Applicant reflects net gains which are immediately shown as increased equity in the Applicant's account with the relevant broker and are immediately credited to the Applicant's net assets value. Applicant undertakes to frequently monitor the amount of variation margin owed to the Fund and further undertakes to immediately demand payment and transfer of those amounts from each broker to the Applicant's custodian (for the general or segregated custodial account, as appropriate) whenever the amount of variation margin owed to the Applicant by a given broker reaches $50,000, in order to minimize any risk of loss of the variation margin to which it is entitled.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 13, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-27969, Filed 10-22-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0478]

ASEA-Harvest Partnership; Issuance of License To Operate as a Small Businesss Investment Company

On June 22, 1984, a notice was published in the **Federal Register** (49 FR 25729) stating that ASEA—Harvest Partners II, 767 Third Avenue, New York, New York 10017, had filed an application with the Small Business Administration (SBA), pursuant § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1984)] for a license to operate as a small business investment company.

Interested parties were given until the close of business July 22, 1984, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the application and all other pertinent information, the SBA approves the issuance of License No. 02/02-0478 on October 9, 1984, to ASEA—Harvest Partners II, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: October 16, 1984.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-27919 Filed 10-22-84; 8:45 am]

BILLING CODE 8025-01-M

California; Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Diego, California, will hold a public meeting at 9:00 a.m. on Thursday, November 14, 1984, at the Federal Building, 880 Front Street, Room 4-S-13, San Diego, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call George P. Chandler, Jr., District Director, U.S. Small Business Administration, 880 Front Street, Room 4-S-29, San Diego, California 93165 (619) 293-5430.

Dated: October 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-27917 Filed 10-22-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 10/10-5181]

Calista Business Investment Corp.; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that Calista Business Investment Corp. (Calista), 516 Denali Street, Anchorage, Alaska 99502, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to § 107.1004(b) of the Regulations governing small business investment companies (13 CFR 107.1004(b) (1984)) for an exemption from the provisions of the Regulations.

Subject to SBA approval, Calista proposes to provide funds to Louis Bunyan, Sr. for the purpose of establishing a general merchandise store.

The proposed financing is brought within the purview of § 107.1004(b) of the Regulations because Mr. Bunyan is a member of the Board of Directors of Calista Corporation, parent company of the Licensee, and therefore is considered Associate of Calista Business Investment Corp. as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 10416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 12, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-27916; Filed 10-22-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 07/07-0092]

MBI Venture Capital Investors, Inc.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of Revision 6 of the Rules and Regulations (13 CFR 107.102 (1984)) by MBI Venture Capital Investors, Inc., 850 Main Street, Kansas City, Missouri 64105 for a license to operate as a small business investment company (SBIC)

under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et. seq.)*

The proposed officers, directors and shareholders are:

Name and address	Title or relationship	Percentage of shares owned
Anthony C. Simmons, 850 Main Street, Kansas City, Missouri 64105.	President/Director	0
Eugene Pereira, 850 Main Street, Kansas City, Missouri 64105.	Secretary/Director	0
Frank Morgan, 5600 West 95th Street, Overland Park, Kansas 66207.	Director	
Sherman Dreiseszun, 5600 West 95th Street, Overland Park, Kansas 66207.	Director	
I. I. Ozar, 850 Main Street, Kansas City, Missouri 64105.	Director	
The Merchant Bank, 850 Main Street, Kansas City, Missouri 64105.	Shareholder	42.33
Metro North State Bank, 221 N.E. Barry Road, Kansas City, Missouri 64155.	Shareholder	14.17
International Bancshares, 7001 North Oak, Gladstone, Missouri 64118.	Shareholder	20.00
The Missouri Bank, 5201 Johnson Drive, Mission, Kansas 66222.	Shareholder	22.50
Indirect Shareholders in the Applicant are as follows:		
Sherman Dreiseszun		26.16
I. I. Ozar		21.56
Jack N. Fingersh, Trustee		25.01

The Applicant will begin operations with a capitalization of $3,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Kansas City, Missouri.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: October 11, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-27915 Filed 10-22-84; 8:45 am]

BILLING CODE 8025-01-M

Texas; Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration, Region VI Advisory Council, located in the geographical area of the Lower Rio Grande Valley of Texas, will hold a public meeting at 2:00 p.m. on Wednesday, November 13, 1984, at the H & H Distribution Center, 1 mile East & Expressway 83, Mercedes, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Rodney W. Martin, District Director, U.S. Small Business Administration, 222 E. Van Buren, Suite 500, Harlingen, Texas—(512) 423-8933.

Dated: October 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-27918 Filed 10-22-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 32-84]

Notes; Series Z-1986

Washington, October 18, 1984.

The Secretary announced on October 17, 1984, that the interest rate on the notes designated Series Z-1986, described in Department Circular—Public Debt Series—No. 32-84 dated October 11, 1984, will be 11⅝ percent. Interest on the notes will be payable at the rate of 11⅝ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-27892 Filed 10-22-84; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt Series—No. 28-84]

Notes; Series G-1991

Washington, October 17, 1984.

The Secretary announced on October 16, 1984, that the interest rate on the notes designated Series G-1991, described in Department Circular—Public Debt Series—No. 28-84 dated October 5, 1984, and amended October 11, 1984, will be 12¼ percent. Interest on the notes will be payable at the rate of 12¼ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-27893 Filed 10-22-84; 8:45 am]

BILLING CODE 4810-40-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice establishes country allocations of the quotas presently applicable to imports of certain specialty steel and makes modifications in the Tariff Schedules of the United States to implement changes in the import relief. The notice provides separate allocations within the stainless steel bar, stainless steel rod, and the alloy tool steel categories for Brazil, and within the stainless steel bar category for the Republic of Korea.

EFFECTIVE DATE: October 2, 1984.

FOR FURTHER INFORMATION CONTACT: Maria T. Springer, United States Trade Representative (202) 395-4946.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States, pursuant to section 203 of the Trade Act of 1974.

Proclamation 5074 authorizes the United States Trade Representative to take such actions and perform such functions for the United States as may be necessary to administer and implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The United States Trade Representative is also authorized to make modifications in the Tariff

Schedules of the United States (TSUS) headnote or items proclaimed by the President in order to implement such action.

Pursuant to the above authority, the United States Trade Representative has determined that the quota quantities should be reallocated to provide country allocations for certain steel products for Brazil and the Republic of Korea.

In conformity with the above, subpart A, part 2 of the Appendix to the TSUS is modified as follows:

(1) Item 926.11 is modified to add to the country allocations, in alphabetical order, "Brazil" and "The Republic of Korea", and also to add corresponding quota quantities of "600" short tons and "310" short tons, respectively, for the period October 20, 1984 through January 19, 1985 and for the period January 20, 1985 through April 19, 1985. Item 926.11 is further modified by changing the quota quantity for "Other" countries to "1,211" short tons for those same restraint periods.

(2) Item 926.16 is modified to add "Brazil" to the country allocations, and also to add a corresponding quota quantity of "300" short tons for the period October 20, 1984 through January 19, 1985 and for the period January 20, 1985 through April 19, 1985. Item 926.16 is further modified by changing the quota quantity for "Other" countries to "1,859" for those same restraint periods.

(3) Item 926.21 is modified to add "Brazil" to the country allocations, and also to add a corresponding quota quantity of "300" short tons for the period October 20, 1984 through January 19, 1985 and for the period October 20, 1984 through April 19, 1985. Item 926.21 is further modified by changing the quota quantity for "Other" countries to "1,584" short tons for the period October 20, 1984 through January 19, 1985 and to "1,585" short tons for the period January 19, 1985 through April 19, 1985.

William E. Brock,

United States Trade Representative.

[FR Doc. 84-27920 Filed 10-22-84; 8:45 am]
BILLING CODE 3190-01-M

UNITED STATES INFORMATION AGENCY

Cultural Property Advisory Committee; Meeting Agenda

The Cultural Property Advisory Committee will conduct a meeting in Room 840, 301 4th Street, SW., Washington, D.C. on November 1. Agenda for the meeting is as follows:

Thursday, November 1

9:00 A.M.
—Meeting convened. Report by Executive Director, Ann Guthrie, on status of outstanding issues from the July meeting.

Update report on following areas:
—Legal
—Communications

9:40 A.M.
—Report on staff's meetings with officials of the Canadian Export-Import Board. Chairman's report on his meeting with UNESCO officials in Paris.

11:00 A.M.
—Meeting Closed. Administrative Issues.

12:00 P.M.
—Adjourn for lunch.

1:00 P.M.
—Presentation and discussion of draft guidelines for State Party Requests.

6:00 P.M.
—Adjournment. (time approximate)

Afternoon session of November 1 will be closed to the pulic in accordance with the provisions of the Government in the Sunshine Act (5 U.S.C. 552b(c)(7)(E)). The session will be closed because the discussion will involve investigative techniques and procedures for the handling of State Party requests, internal personnel rules and practices (5 U.S.C. 552b(c)(2)), and information, the premature disclosure of which, would be likely to frustrate significantly implementation of proposed actions and policies (5 U.S.C. 552b(c)(9)(B)).

Members of the public wishing to attend the open session on Thursday, November 1, should contact Ms. Vicki Rose on 485-7319 by Noon on Wedensday, October 31. Public attendance will be limited due to the size of the meeting room, and must be arranged in advance because of controlled access to the USIA Building.

Determination to Close Advisory Committee Meeting

November 1, 1984

Based on information provided to me by the Cultural Property Advisory Committee, I hereby determine that the session of the meeting scheduled from 11:00 a.m. and into the afternoon of November 1, may be closed to the public.

The Committee has requested that the portion of the November 1 meeting be closed, because it will be discussing investigative techniques and procedures for the handling of State Party requests (5 U.S.C. 522b(c)(7)(E)). It will also involve discussion of internal personnel rules and practices (5 U.S.C. 552b(c)(2)) and information, the premature disclosure of which, would be likely to frustrate significantly implementation of proposed actions and policies (5 U.S.C. 552b(c)(9)(B)).

Date: October 17, 1984.

Charles Z. Wick,

Director.

[FR Doc. 84-27883 Filed 10-22-84; 8:45 am]
BILLING CODE 8230-01-M

A Grants Program for Private Not-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The primary purpose of the program is to enhance the achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private Organizations", expiration date January 31, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Chinese Delegation on Arms Control and Disarmament USIA is developing a substantive project for a delegation of visiting younger Chinese scholars and officials concerning the theoretical and technical aspects of arms control and disarmament. Scheduled for late spring 1985, a 10 to 12 person delegation from the People's Republic of China will visit the United States for a period of three weeks. Participants will receive a number of background briefings on strategic issues and will also discuss American approaches to arms control and disarmament negotiations. Focused discussions will further explore more specific factors concerning nuclear weapons capabilities through a series of meetings at American universities, professional associations and think tanks. The Chinese will provide their own international travel to the continental U.S., and USIA and the host institution will partially support other costs. The grant recipient organization is responsible for designing a study tour program whose elements are part of a contiguous analytical whole.

Your submission of a letter indicating interest in the above project concept begins the consultative process. This letter should further explain why your organization has the substantive expertise and logistical capability to successfully design, develop and conduct the above project.

Emphasis during the preliminary consultative process will be on identifying organizations whose goals and objectives clearly complement or coincide with those of USIA. Furthermore, USIA is most interested in working with organizations that show promise for innovative and cost effective programming, and with organizations that have substantial potential for obtaining third party private sector funding in addition to USIA support. Organizations must also demonstrate a potential for designing programs which will have a lasting impact on their participants. In your response, you may also wish to include other pertinent background information. To be eligible for consideration, organizations *must* postmark their general letter of interest within 20 days of the date of this notice.

This is not a solicitation for grant proposals. After consultation, selected organizations will be invited to prepare proposals for the limited financial assistance available.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs (ATTN: Initiative Programs), United States Information Agency, 301 4th. Street SW., Washington, D.C. 20547.

Dated: October 11, 1984

Albert Ball,

Deputy Director, Office of Private Sector Programs.

[FR Doc. 84-27882 Filed 10-22-84; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 206
Tuesday, October 23, 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

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 23, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: *All Terrain Vehicles—Meeting with Industry.*

The Commission and staff will meet with manufacturers and importers of all terrain vehicles to discuss the safe use of these three-wheeled vehicles and ways in which injuries can be reduced.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

October 18, 1984.

[FR Doc. 84-27965 Filed 10-19-84; 9:03 am]

BILLING CODE 6355-01-M

2

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:00 p.m., Tuesday, October 23, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. FHSA Conspicuousness Labeling Rule: Final

The staff will brief the Commission on amendments to the type size, placement, and conspicuousness requirements for labeling under the Federal Hazardous Substances Act.

2. Apparel Guaranty Testing: Final Rule

The staff will brief the Commission on final amendments to rules implementing the Flammability Standard for Clothing Textiles to allow persons and firms issuing initial guarantees of items subject to that standard to devise and implement their own reasonable testing programs to support such guaranties.

3. Oral Contraceptives: Final PPPA Exemption

The staff will brief the Commission concerning a final exemption from the special packaging requirements of the Poison Prevention Packaging Act of 1970 as applied to mnemonic dispenser packages of cyclically-administered oral contraceptives containing estrogens and progestogens.

Closed to the Public

4. DEHP CHAP: Selection of Members

The Commission will consider candidates for membership on the Chronic Hazard Advisory Panel on DEHP.

The Commission by unanimous vote decided that agency business required scheduling this meeting without seven days notice.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492–6800

October 18, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-27966 Filed 10-19-84; 9:03 a.m.]

BILLING CODE 6355-01-M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-51]

TIME AND DATE: 11:00 a.m., Monday, October 29, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Investigations 731–TA–161 & 162 [Final] (Titanium Sponge from Japan and the United Kingdom)—briefing and vote.
5. Investigation 731–TA–204 [Preliminary] (Grand and Upright Pianos from the Republic of Korea)—briefing and vote.
6. Investigations 731–TA–157 & 160 [Final] (Carbon Steel Wire Rod from Argentina and Spain)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary,* (202) 523–0161.

[FR Doc. 84-28074 Filed 10-19-84; 4:13 pm]

BILLING CODE 7020-02-M

4

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 9:30 a.m., Tuesday, October 30, 1984.

PLACE: Eighth floor, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. *Littlejohn* v. *United States Postal Service,* MSPB Docket Nos. SE07528310033, SE07528310032.
2. *Anderson* v. *United States Postal Service,* MSPB Docket No. NY07528210005.
3. Agenda items carried forward from the previously announced closed meeting of October 15, 1984.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Stephen E. Manrose, *Acting Clerk of the Board,* (202) 653–7200.

For the Board.

Dated: October 18, 1984, Washington, D.C.

Kathy W. Semone,

Deputy Clerk of the Board.

[FR Doc. 84-27967 Filed 10-19-84; 9:12 am]

BILLING CODE 7400-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 22, 29, November 5, and 12, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 22

Monday, October 22

2:00 p.m.

Status of NTOL's (Open/Closed—Ex. 5 & 7)

Tuesday, October 23

10:00 a.m.

Discussion of Proposed Rule on Emergency Planning and Seismic Events (Public Meeting)
Hearing Process meeting *postponed*

Wednesday, October 24

9:45 a.m.
Security Meeting (Closed—Ex. 1)
10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of October 29

Tentative

Monday, October 29

2:00 p.m.
Discussion of Material False Statements—Policy Options (Public Meeting) (Tentative)

Thursday, November 1

10:00 a.m.
Discussion with Staff on Requirements for Senior Managers (Public Meeting)
2:00 p.m.
Executive Branch Briefing (Closed—Ex. 1)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, November 2

10:00 a.m.
Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

Week of November 5

Tentative

Tuesday, November 6

10:00 a.m.
Briefing and Discussion on the Hearing Process (Public Meeting)
2:00 p.m.
Briefing/Possible Vote on UCS 2.206 Petition on TMI-1 Emergency Feedwater (Public Meeting)

Wednesday, November 7

10:00 a.m.
Discussion of TMI-2 Cleanup Schedule and Funding (Public Meeting)

Thursday, November 9

10:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of November 12

Tentative

Tuesday, November 13

10:00 a.m.
Discussion/Possible Vote on Proposed Amendments to 10 CFR Part 2 (Public Meeting)
2:00 p.m.
ANS Report on Source Term (Public Meeting)

Wednesday, November 14

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Catawba-1 (Public Meeting)

Thursday, November 15

11:00 a.m.
Meeting with Advisory Panel on TMI-2 Cleanup (Public Meeting)
2:00 p.m.
Status Report on High Level Waste Program (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION:

Affirmation of Final Operator Training (§ 55.25(b)) Rule was held on October 18 (Public Meeting).
Affirmation of Grand Gulf Order scheduled for October 18, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.
CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634–1410.

George T. Mazuzan,
Office of the Secretary.
October 19, 1984.
[FR Doc. 84–28073 Filed 10–19–84; 4:13 pm]
BILLING CODE 7590–01–M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on November 14, 1984.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: It is likely that, pursuant to 29 CFR 2203.3(b), the portion of the meeting dealing with specific cases will be closed upon a proper vote taken.

MATTERS TO BE CONSIDERED: Possible changes to Commission Rules of Procedure 55(d) and 93(d), 29 CFR 2200.55(d) and 2200.93(d). Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Mary Ann Miller, (202) 634–4015.

Dated: October 19, 1984.

Earl R. Ohman, Jr.,
Acting General Counsel.
[FR Doc. 84–28059 Filed 10–19–84; 3:09 pm]
BILLING CODE 7600–01–M

7

RAILROAD RETIREMENT BOARD

Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on October 31, 1984, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Bureau of Unemployment and Sickness Insurance (BUSI) Action Plan
(2) Draft Regulations Regarding Waiver of Interest, Penalties, and Charges Under the Debt Collection Act of 1982
(3) Proposed Disability Regulations (Part 220)
(4) Amendments of sections 260.9(c) and 320.39 of the Board's Regulations
(5) Proposed Regulation for Lump-sum Payments
(6) Response to House Report 98–911 (House Appropriations Committee's Comments on Control Weaknesses in Board's RUIA Program)
(7) Proposed Changes in the RUIA Regulations (U&SI Quality Assurance and Program Integrity—Proposal for 14-day Registration)
(8) Collection of Individual Occupation Codes
(9) Emons Industries Appeal
(10) Raymond F. McPherson Appeal (Eligibility—Years of Service)

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. (312) 751–4920, FTS No. 387–4920.

Dated: October 17, 1984.

Beatrice Ezerski,
Secretary to the Board.
[FR Doc. 84–28017 Filed 10–19–84; 1:28 pm]
BILLING CODE 7905–01–M

federal register

Tuesday
October 23, 1984

Part II

Environmental Protection Agency

40 CFR Part 52

State Implementation Plans for Visibility, New Source Review and Monitoring Strategy; Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-2668-7]

State Implementation Plans for Visibility New Source Review and Monitoring Strategy

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: In this action EPA proposes Federal regulations for visibility new source review and visibility monitoring to satisfy the requirements of 40 CFR 51.305 and 51.307. The EPA proposes to disapprove the State implementation plans (SIP's) of 34 States for failure to comply with those provisions, and to incorporate the new Federal regulations into those SIP's.

DATES: The period for initial comments on the proposed regulations and disapprovals closes on November 23, 1984. A public hearing on these items will be held on December 4, 1984, in Washington, D.C. and on December 6, 1984, in Denver, Colorado. The EPA will hold the public docket for this rulemaking open until January 6, 1985, for the submission of written rebuttal and supplementary information.

ADDRESSES: Comments should be submitted (in triplicate, if possible) to: Central Docket Section (LE-131A), EPA, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket Number A-84-32.

Public Hearings: December 4, 1984, Waterside Mall, Room 3906-8, 401 M Street, SW., Washington, D.C. and December 6, 1984, at New Custom House, Room 158, 721 19th Street, Denver, Colorado.

Docket: The EPA has established a docket for this rulemaking. Docket Number A-84-32, in accordance with section 307(d) of the Clean Air Act, 42 U.S.C. 7607(d). Materials related to development of the visibility protection program (40 CFR 51.300 et seq.) have been placed in Docket Number A-79-40. Both dockets are available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Janet C. Metsa, Standards Implementation Branch (MD-15), Control Programs Development Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Background

A. Statutory and Regulatory Requirements

Section 169A of the Clean Air Act, 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined that visibility is an important value. "Mandatory Class I Federal areas" are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a). Section 169A specifically requires EPA to promulgate regulations requiring certain States to amend their State implementation plans (SIP's) to provide for visibility protection.

On December 2, 1980, EPA promulgated the required visibility regulations at 45 FR 80084, codified at 40 CFR 51.300 et seq. The visibility regulations require 36 States listed in § 51.300(b) to develop a visibility monitoring program and a visibility new source review program, 40 CFR 51.305 and 51.307, respectively. The requlations requires the States to submit revised SIP's satisfying those provisions to EPA by September 2, 1981. See 45 FR 80091, codified at 40 CFR 51.302(a)(1).

B. Litigation Challenges

Numerous parties sought judicial review of the visibility regulations in the United States Court of Appeals for the District of Columbia Circuit. These cases were consolidated at *Mountain States Legal Foundation* v. *EPA*, Number 80-2454. The D.C. Circuit Court stayed the consolidated litigation in March 1981 pending EPA action on related administrative petitions for reconsideration of the visibility regulations filed with the Agency. As a result of this litigation and the petitions, few States initiated work on revised visibility SIP's.

In December 1982, the Environmental Defense Fund, et al., (EDF) filed a citizen suit in the United States District Court for the Northern District of California alleging that EPA had failed to perform a nondiscretionary duty under section 110(c) of the Act to promulgate visibility SIP's for 35 States that had failed to submit SIP's to EPA (*EDF* v. *Gorsuch*, Number C82-6850 RPA). The State of Alaska had submitted a SIP which was approved on July 5, 1983, at 48 FR 30623. The EPA and EDF negotiated a settlement agreement for the remaining States which the court approved by order on April 20, 1984. For more information on details of the provisions of the settlement agreement, see EPA's announcement of the agreement at 49 FR 20647 (May 16, 1984).

The settlement agreement requires EPA to promulgate visibility SIP's on a specified schedule for those States that have not submitted visibility SIP revisions to EPA. Specifically, the agreement requires EPA to first propose SIP's covering the new source review and monitoring provisions under 40 CFR 51.305 and 51.307 excluding any reference to the provisions for integral vista protection defined in § 51.304. In today's notice EPA proposes regulations on new source review and monitoring to meet the first commitment in the settlement agreement.

The EPA proposes to incorporate Federal regulations into the SIP's of the States whose SIP's are found to be inadequate. However, the settlement agreement allows the States an opportunity to avoid Federal promulgation of these rules. The States may submit full or partial SIP revisions to EPA within 4 months of the close of the comment period, currently scheduled to close on January 6, 1985. The EPA will review the State's submittal and take appropriate action on it before taking any final action on this proposal with respect to that State. The settlement agreement requires such action within 12 months after the close of the comment period. The EPA encourages those States wishing to implement their own visibility new source review and nonitoring programs to submit revised SIP's to EPA by the appropriate date.

SIP Disapproval

The EPA reviewed the SIP's for the 36 States subject to the visibility regulations and has preliminarily determined that the SIP's for 34 States do not meet the requirements of either 40 CFR 51.305 or 51.307. The EPA proposes disapproval of the following States' SIP's for failure to meet the provisions of both §§ 51.305 and 51.307.

Alabama	Oklahoma
Arizona	Oregon
Arkansas	South Carolina
California	South Dakota
Colorado	Tennessee
Florida	Texas
Georgia	Utah
Hawaii	Vermont
Idaho	Virginia
Kentucky	Missouri
Maine	Montana
Michigan	Nevada
Minnesota	New Hampshire
New Jersey	Virgin Islands
New Mexico	Washington
North Carolina	West Virginia
North Dakota	Wyoming

The EPA solicits comments on these proposed disapprovals. The EPA proposed approval of Louisiana's

visibility protection SIP on May 15, 1984, at 49 FR 20519. The EPA is not proposing disapproval for Louisiana at this time, pending final action on the SIP. Although EPA is proposing to disapprove existing SIP's for Colorado, Idaho and Washington, these States have submitted SIP revisions that contain provisions designed to comply with § 51.305 or § 51.307. The EPA is reviewing the submittals and will take the appropriate action with respect to the SIP's for these States prior to taking final action on today's proposal.

Visibility Monitoring Strategy

A. Background

A monitoring strategy for "evaluating visibility in any mandatory Federal Class I area by visual observation or other appropriate monitoring techniques" is required by 40 CFR 51.305 for all States with visibility protection areas.[1] The purpose of this requirement is to generate data for evaluating visibility impairment trends, determining potential impacts of new sources, assessing the effectiveness of the visibility protection program, and identifying major contributing sources. This purpose can be adequately served by determining the background visibility conditions in and around the visibility protection areas and documenting the extent of any visibility impairment in the areas that can be attributed to a source or small group of sources.

Significant differences exist between visibility monitoring and monitoring air pollutants. Visibility impairment is the human perception of the effects of natural or man-made conditions which reduce visual range or contrast, or change coloration. A visibility monitoring progam should not only identify these effects, but should differentiate man-made effects from natural conditions. The program will generate various types of data such as reports from human observers, photographs, as well as numerical data from instruments.

The EPA does not currently have a standard method for visibility assessment, nor the capability to incorporate visibility data into current storage and retrieval systems. Visual observation is the minimum data collection technique that § 51.305 requires; however, other more objective techniques are available.[2] The preamble of the 1980 visibility regulations also stated that the States would not be required to install a visibility monitoring equipment network [see 45 FR 80086 (col. 1)].

Under section 165(d) of the Clean Air Act, the Federal Land Managers (FLM's) are given an affirmative responsibility to protect air quality related values, including visibility, in their lands. The visibility regulations allow the FLM's the opportunity to identify visibility impairment and to identify elements for inclusion in monitoring strategies pursuant to § 51.302. Therefore the FLM's have a role in any monitoring program. They also must maintain their areas consistent with various independent Congressional land use goals, e.g., wilderness areas must be maintained in a natural state which precludes locating mechanized equipment in many of the areas. Therefore, monitoring stations could be installed at the boundaries of the visibility protection areas rather than within the areas. The National Park Service (NPS) has been active in developing visibility monitoring in many of the national parks and has experience with many of the techniques for visibility monitoring.

The major impact of the visibility regulations will be to require a visibility impact review for new major stationary sources or modifications. Under the existing program, few existing sources are expected to be required to install control technologies because of their age or because control techniques are not available to significantly reduce the contributory pollutant.[3] Therefore, emphasis of the monitoring program should be to collect the type of data that can be used most effectively to evaluate affects of the emissions from new or modified sources. This would mean concentrating the program on collecting background visibility data for the new source review impact analysis. A review for attributable impairment can be coordinated with this development of background data collection.

B. Monitoring Program

1. Background Visibility

Because of these circumstances, EPA has great latitude in designing a visibility monitoring program. Two options for background data collection are presented here for public consideration. Although an equipment network is not required by § 51.305, it is not disallowed. Such a network is the most cost-effective method of developing high quality background data on a national scale and hence is "appropriate" for EPA within the meaning of §51.305. Therefore, EPA is proposing to create a national visibility monitoring network for background data collection. The primary function of this network would be to establish background conditions for use in the new source visibility impact analysis.

Not all of the 151 areas without approved visibility monitoring need a background monitoring station. If chosen properly, as few as 25 stations may be sufficient for background data for all areas. The EPA has chosen areas that might be appropriate for background stations. The EPA proposes to implement the background stations over a period of several years and to validate these choices before establishing the stations permanently. The background network would be coordinated with programs already implemented by the FLM or states. A validation study and implementation schedule are detailed in the draft visibility monitoring plan available in Docket A–84–32.

The cooperation of the FLM's is desired for an efficient implementation of this option. The FLM's have tentatively agreed to act as an EPA contractor to collect data and maintain the stations in their areas if EPA provides the equipment. The EPA intends to establish a technical steering committee consisting of representatives from EPA, contributing States and the FLM's. The purpose of this committee will be to coordinate the activities efficiently and to oversee the monitoring program. The EPA intends to establish a Memorandum of Understanding (MOU) to formalize this agreement.

Since the background data would be used primarily for the new source visibility impact analysis, EPA is considering, as a second option, requiring the permit applicant to monitor visibility as part of its preapplication monitoring. The EPA has not proposed specific regulatory language to implement this second alternative. If EPA decides, after public comment, to adopt this alternative, it will promulgate appropriate regulatory provisions. This option may adequately address data collection requirements for the new source visibility impact analysis purposes. However, EPA realizes that this approach adds substantial burdens onto the applicant, such as the additional cost, the additional time for coordination with the FLM for access to the areas, if necessary, and the additional time for consultation with the

[1] These are the mandatory Class I Federal areas where visibility is an important value (44 FR 69122 and 45 FR 6103).

[2] "Interim Guidance for Visibility Monitoring" Office of Air Quality Planning and Standards, November, 1980. (EPA 450/2–80–082). Available in Docket A–79–40.

[3] Assessment of Ecomomic Impact of the Visibility Regulations." May 1980. Prepared by ICF, Inc., for the Office of Air Quality Planning and Standards. Available in Docket A–79–40.

appropriate air pollution control agency on visibility assessment methods. This approach would provide only site specific data on a case-by-case basis, making trend analysis difficult. Without sufficient trend analysis, the long-term strategy development, which is required by 40 CFR 51.306 and which will be implemented under the second part of the settlement agreement, may not be adequately performed. In addition, the visibility impairment attribution program for each protection area still would need to be done. Planning a background network validation check as part of the attribution program would take advantage of the resource deployment needed for that program. While the EPA is proposing a background network approach, EPA specifically solicits comments on both the proposed action and the alternative.

2. Attribution Program

The EPA is also proposing to develop a program that will document visibility impairment that can be attributed to one source or a small group of sources. The purpose of this program would be to determine if the suspected impairment is significant or adverse and to identify the source of impairment if possible. These studies will be custom designed to the individual circumstances of each situation. Some could be as simple as photographic documentation of a coherent plume impacting a protection area. Others may involve aircraft-based monitoring or identification of sources by their aerosol characteristics (receptor modeling). The validation studies for the background monitoring network may also identify previously unsuspected visibility impairment in some protection areas. These would then be subject to source-specific impairment studies.

The priority for implementing the studies will be determined by the technical steering committee. Factors to be considered are the ease in which the impairment can be attributed and remedied and the characteristics of the suspected source. Prescribed burning, for example, can be readily attributed, and control measures can by implemented without an extensive study.

C. Regulatory Structure

The EPA proposes a new 40 CFR 52.26, that incorporates both the background program and the attribution program and would be applicable in all States whose SIP's have been disapproved for failing to meet § 51.305. If EPA were to adopt the second option for background monitoring, it would reshape § 52.26 to refer only to the attribution program.

This new section establishes a national visibility monitoring strategy, requires a monitoring plan similar in structure to other air quality monitoring programs, and provides for public participation in the development and implementation of the monitoring program. The visibility monitoring strategy consists of a statement of goals, a listing of appropriate monitoring methods, the required components of a visibility monitoring plan, and a provision for plan revisions. The specific monitoring locations, methods, implementation schedules, and data handling procedures would be described in detail in the monitoring plan. The plan will be reviewed annually and revised as necessary. The rule provides that the general public can request revisions to the plan at any time. The EPA would respond to the requests during a yearly review and would give notice of any changes made to the plan. A draft plan is available for inspection in Docket A–84–32, and a limited number are available for Janet Metsa at the address given at the beginning of this notice. A final plan will be available when the strategy is promulgated in June 1985. the EPA proposes to incorporate § 52.26 into the following State and Territory plans:

Alabama	New Jersey
Arizona	New Mexico
Arkansas	North Carolina
California	North Dakota
Colorado	Oklahoma
Florida	Oregon
Georgia	South Carolina
Hawaii	South Dakota
Idaho	Tennessee
Kentucky	Texas
Maine	Utah
Michigan	Vermont
Minnesota	Virginia
Missouri	Virgin Islands
Montana	Washington
Nevada	West Virginia
New Hampshire	Wyoming

D. State Submittal Policy

The affected States have until 4 months after the close of the public comment period to submit a visability monitoring strategy to avoid Federal promulgation of this program. The States should consider the same factors as EPA when developing their program. These are coordination with the FLM's, the ultimate uses for the data, the long-term visibility needs in their State, and the specific problems the areas within their State are facing. The States should consult with the FLM's early in the strategy development to evaluate the individual monitoring needs in the visibility protection areas in their States. The visibility monitoring strategy and plan for a State must address all of the needs of the areas within the State's jurisdiction. The States could model this program after existing air quality monitoring programs to take advantage of efficiencies in data collection, retrieval and program review.

States are not required to install an equipment network as described in the proposed Federal plan when submitting plan revisions to meet § 51.305. A network may not be necessary to develop appropriate visibility data for State programs. However, EPA encourages States to consider implementing a sophisticated program where resources permit to provide the best information for visibility protection. The EPA and the FLM's are willing to work with the States on developing appropriate programs.

New Source Review

States are required by 40 CFR 51.307 to review new major stationary sources and major modifications prior to construction to assess potential impacts on visability in any visibility protection area, regardless of the air quality status of the area in which the source is located. That is, both sources locating in attainment areas and sources locating in nonattainment areas must undergo visibility new source review [*See* 40 CFR 51.307 (a) and (b)(2), respectively]. These requirements ensure that (1) the visibility impact review is conducted in a timely and consistent manner, and (2) the reviewing authority considers any timely FLM analysis demonstrating that a proposed source would have an adverse impact on visibility, including public availability of the permit authority's conclusion.

The EPA is proposing three separate visibility new source review systems that will each apply in separate circumstances, rather than proposing one superstructure for visibility new source review in all cases. The EPA has chosen this approach in an attempt to coordinate visibility new source review to the greatest extent possible with ongoing new source review programs under EPA's prevention of significant deterioration (PSD) program and to limit Federal interference in approved State programs. Under the scheme EPA proposes today, sources should generally have to undergo only a single new source review for both visibility and PSD for attainment pollutants. All sources that may impact a visibility protection area would be required to perform a visibility impact analysis of nonattainment pollutants which are not covered by the PSD program.

The EPA proposes the three visibility new source review systems to be applicable respectively in each of the

following areas: (1) Attainment areas in which EPA is implementing a Federal PSD program under 40 CFR 52.21, (2) attainment areas in which a State is implementing its own PSD program as approved under 40 CFR 51.24, and (3) nonattainment areas. Thus, in States in which EPA is implementing a Federal PSD program, sources would be subject to (1) amended 52.21 regulations for both PSD and visibility review for attainment pollutants, and (2) the new nonattainment area visibility program for nonattainment pollutants. In States that operate an approved State PSD program, sources would be subject to (1) the State PSD program as well as a new Federal visibility program only if necessary to ensure visibility review for attainment pollutants, and (2) the new nonattainment area visibility program for nonattainment pollutants.

A. Federal PSD Program

The EPA proposes amendments to 40 CFR 52.21 *et seq.* to be applicable in all States where EPA currently implements a Federal PSD program. These amendments would also be applicable to all States that implement the Federal PSD program pursuant to a delegation from EPA of its authority to implement § 52.21 in that State. The proposed amendments would make only a few changes in the existing PSD program, as follows:

(1) Adding the definition of "adverse impact on visibility";

(2) Adding a new section giving EPA the authority to require new sources to monitor visibility in surrounding Federal Class I areas;

(3) Amending existing public participation provisions to require EPA to (a) send a copy of all information relevant to a permit application to all affected FLM's within 30 days of receipt and at least 60 days prior to public hearing on the application, (b) include an analysis of a proposed source's anticipated impacts on visibility in the notice to the FLM, and (c) notify all affected FLM's within 30 days of receipt of any advance notification of a permit application; and

(4) Adding a new section requiring EPA (a) to consider any analysis performed by an FLM that determines adverse impact by the proposed source and is received within 30 days after notification is given to the FLM and (b) to include in the notice of public hearing, in any case where EPA does not agree that an adverse impact on visibility will result, either an explanation of EPA's conclusions or notice as to where the explanation can be obtained.

The EPA proposes to incorporate the amended § 52.21 into the SIP's for the following States and Territory:

California (except for Lassen County, Monterey County, the North Coast Region, and Sacramento County)
Colorado
Hawaii
Idaho
Kentucky
Michigan
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
South Dakota
Tennessee
Texas
Virginia
Virgin Islands
Washington
West Virginia

B. State PSD Program

The EPA proposes a new 40 CFR 52.57, to be applicable in all areas in which EPA has previously approved a State PSD program as part of the applicable SIP under 40 CFR 51.24. This new section sets out the procedural steps necessary for an adequate visibility new source review in addition to those steps generally included in a State PSD SIP. As discussed in the previous section, these include (1) timely FLM notice of permit applications that may affect visibility in Class I Federal areas, including a copy of all relevant information and an analysis of anticipated visibility impacts; and (2) consideration of any timely FLM analysis demonstrating that a proposed source would have an adverse impact on visibility, including public availability of the permit authority's conclusions.

Proposed § 52.27 provides a mechanism for any interested person to request that EPA take responsibility from the State for reviewing a proposed source's impact on visibility in a Class I Federal area. The EPA would only take this responsibility in any case where the State failed to provide all of the required procedural steps listed above. The EPA would not use this mechanism to second guess a State decision on visibility impact where a State has provided all required procedural steps. Where EPA takes responsibility from the State, EPA would then conduct a visibility new source review consistent with the procedural requirements of this section.

The EPA prefers this mechanism of petition to EPA in event of State failure to provide procedural requirements, rather than a permanent Federal program for visibility new source review in all cases. The EPA believes new source permitting will proceed more efficiently if applicants are required to deal with only one permitting authority. The EPA does not wish to interfere in the State permitting process as long as the States provide all the necessary visibility review procedures. The EPA anticipates that in most cases States will provide visibility new source review procedural requirements at the outset to avoid cumbersome dual permitting authority and delays in permit issuance. If EPA finds that a State consistently fails or is unable to provide the required procedural requirements, EPA will require prospective permit applicants to apply directly to EPA, and EPA will conduct a visibility new source review in accordance with this section in all cases. The EPA solicits comments on this approach.

Proposed § 52.27 also includes a provision giving EPA authority to require new sources to conduct visibility monitoring, and a provision for public participation in EPA conducted reviews. Finally, the section provides that persons filing requests with EPA in regard to this section must do so within 60 days of the State's notice soliciting public comment on a permit application. This time limit is designed to prevent excessive delay in reaching final permit decisions.

The EPA proposes to incorporate new § 52.27 into the SIP's for the following States and counties:

Alabama
Arizona
Arkansas
Florida
Georgia
Lassen County, California
Maine
Missouri
Montana
Monterey County, California
North Carolina
North Coast Region, California
North Dakota
Oklahoma
Oregon
Sacramento County, California
South Carolina
Utah
Vermont
Wyoming

C. Nonattainment Areas

EPA proposes a new Federal permitting program, 40 CFR 52.28, to be applicable in nonattainment areas in all States required to conduct visibility new source reviews. Proposed § 52.28 requires all major sources and major modifications proposing to locate in a nonattainment area and that might have an impact on visibility in any visibility protection area to apply to EPA for a visibility review prior to commencing construction. Applicants must submit to EPA information on visibility impacts similar to that required by the PSD regulations. The EPA may also require applicants to conduct visibility monitoring. The EPA would then conduct visibility new source reviews pursuant to the procedural steps described above in previous sections, i.e., (1) timely FLM notice of permit applications that may affect visibility in visibility protection areas, including a copy of all relevant information and an analysis of anticipated visibility impacts; and (2) consideration of any timely FLM analysis demonstrating that a proposed source would have an adverse impact on visibility, including,

public availability of the permit authority's conclusions.

In nonattainment areas, EPA may only approve new source permits for sources whose emissions would be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing impairment of visibility in visibility protection areas which impairment results from man-made air pollution. In making this decision, EPA may take into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source. The EPA would consider a new source's emissions to be consistent with the national goal if those emissions would not contribute appreciably to visibility impairment. If a new source's emissions would contribute appreciably to visibility impairment, EPA could still issue a permit to the source if the source provided sufficient offsetting decreases in other emissions contributing to visibility impairment such that the area would experience no net appreciable increase in visibility impairment. The EPA would not deny or further condition a permit under this subsection for a source that would not result in a net appreciable increase in visibility impairment.

New § 52.28 also contains exemptions for certain sources,[4] public participation requirements, and numerous definitions similar to those in the PSD program, as well as the definition of "visibility protection area."

The EPA proposes to incorporate new § 52.28 into the SIP's for the following States:

Alabama	Nevada
Arizona	New Hampshire
Arkansas	New Jersey
California (except Lassen County, Monterey County, and Sacramento County)	New Mexico
	North Carolina
	Oklahoma
Colorado	Oregon
Florida	South Carolina
Georgia	South Dakota
Hawaii	Tennessee
Idaho	Texas
Kentucky	Utah
Michigan	Virginia
Minnesota	Washington
Missouri	West Virginia

[4] The EPA proposed changes to the exemption in its PSD regulations dealing with fugitive emissions on August 25, 1983, at 48 FR 38742. If EPA takes final action consistent with that proposal, EPA will here take final action by incorporating the amended fugitive emissions exemption into new § 52.28, rather than the existing exemption as EPA today proposes. The EPA must also propose either to add or not to add surface coal mines to the list of source categories in the PSD fugitive emissions exemption under court order in *Sierra Club* v. *Gorsuch*, D.C. Cir. No. 80-2218. If EPA takes final action adding surface coal mines to the list in the PSD exemption, EPA will here take final action by adding mines to the list in the visibility exemption as well.

North Dakota, Virgin Islands, and Lassen County, California, have no nonattainment areas and therefore are not required to have these provisions in their SIP at this time. Maine; Montana; Monterey County, California; Sacramento County, California; Vermont; and Wyoming make no distinction between new sources locating in nonattainment areas and new sources in attainment areas. The EPA considers § 52.28 unnecessary in these SIP's because the procedural requirements will be fulfilled via new § 52.27. The EPA considers that by denying permits to construct in all cases where adverse visibility impairment will result, the State automatically ensures progress toward the national visibility goal.

Solicitation of Comments

The EPA solicits comments on the proposed rules. In particular, the public is invited to comment on the SIP disapprovals, the proposed provisions for requesting the Administrator's review for permit notification procedures, § 52.27, and the visibility monitoring strategy and alternative, § 52.26.

The EPA has established a docket for this rulemaking, Docket Number A-84-32. The docket is an organized and complete file of all significant information submitted to or otherwise considered by EPA during this proceeding. Materials in Docket Number A-79-40, which are related to the development of 40 CFR 51.300 et seq. (visibility regulations) also provide background for this rulemaking. The contents of Docket Number A-84-32 will serve as the record in the case of judicial review under section 307(b) of the Act, 42 U.S.C. 7607(b).

The EPA will hold a public hearing on December 4, 1984, at 10:00 a.m., in Waterside Mall, Room 3906-8, 401 M Street, SW., Washington, D.C., and on December 6, 1984, at 9:00 a.m. at New Custom House, Room 158, 721 19th Street, Denver, Colorado. These will be informal legislative type hearings. A panel of EPA staff will hear the oral presentations. There will be no cross-examination and no requirement that any person be under oath. Each member of the panel may seek clarification or amplification of any presentation. The presiding officer of the panel may set a time limit for each presentation and may restrict any presentation that would be irrelevant or repetitious. A transcript of each hearing will be made and placed in the rulemaking docket.

Any person who wishes to speak at the hearing should, by November 20, 1984, send written notice of this to EPA, giving name, address, telephone number, the desired date of presentation and the length of the presentation. Anyone stating that his or her presentation would be longer than 20 minutes should also state why more time is needed. Each notice should be sent to Janet C. Metsa, at the address given at the beginning of this notice. The EPA will develop a schedule for presentations based on the notices it receives. Anyone who fails to submit advanced notice, but wishes nevertheless to speak at the hearing may register to do so at the door. The presiding officer will accommodate these late registrants as time permits. Each speaker with written presentations should bring five copies of his or her presentation for the convenience of the hearing panel and the hearing reporter.

Classification

The Administrator certifies pursuant to the provisions of 5 U.S.C. 605(b) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Only a few sources will be required to evaluate the potential impact on visibility that are not already required to do so under the existing PSD program.

The proposed rules do not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, U.S.C. 3501 *et seq.*

The proposed rules implement part of Subpart P (40 CFR 51.300-51.307) which was promulgated on December 2, 1980. An economic impact assessment was made for promulgation of Subpart P and can be found in Docket Number A-79-40. An economic impact assessment for these revisions pursuant to section 317 of the Clean Air Act is not required because these revisions are not substantial.

The proposed rules have been submitted to the Office of Management and Budget for review under Executive Order 12291. Any comments from that office on the proposal and any EPA responses have been placed in the Docket Number A-84-32. These proposed rules are not major within the meaning of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead; Particulate matter, Hydrocarbons, Carbon monoxide.

Dated: October 15, 1984.
Alvin L. Alm,
Acting Administrator.

PART 52—[AMENDED]

It is proposed to amend Part 52, Chapter I of Title 40, Code of Federal Regulations, as follows:

1. Section 52.21 is amended by adding paragraphs (b)(29), (o)(3), and (p)(3); revising paragraph (p)(1) to read as follows; and renumbering existing paragraphs (p)(3) to (p)(7) as (p)(4) to (p)(8), respectively.

§ 52.21 Prevention of significant deterioration of air quality.

* * * * *

(b) * * *

(29) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with (i) times of visitor use of the Federal Class I area, and (ii) the frequency and timing of natural conditions that reduce visibility.

* * * * *

(o) * * *

(3) *Visibility monitoring.* The Administrator may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(p) *Sources Impacting Federal Class I Areas—Additional Requirements—*

(1) *Notice to Federal Land Managers.* The Administrator shall provide written notice of any permit application for a proposed major stationary sources or major modification the emissions from which may affect a Class I area to the Federal Land Manager, and the Federal official charged with direct responsibility for management of any lands within any such area. The Administrator shall provide such notice promptly after receving the application. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the Federal Class I area. The Administrator shall also provide the Federal Land Manager and such Federal officials with a copy of the preliminary determination required under paragraph (r) of this section, and shall make available to them any materials used in making that determination, promptly after the Administrator makes such determination. Finally, the Administrator shall also notify all affected Federal Land Managers within 30 days of receipt of any advance notification of any such permit application.

* * * * *

(3) *Visibility analysis.* The Administrator shall consider any analysis performed by the Federal Land Manager, provided within 30 days of the notification and analysis required by paragraph (p)(1) of this section, that a proposed new major stationary source or major modification may have an adverse impact on visibility in any Federal Class I area. Where the Administrator finds that such an analysis does not demonstrate to the satisfaction of the Administrator that an adverse impact on visibility will result in the Federal Class I area, the Administrator must, in the notice of public hearing on the permit application, either explain his decision or give notice as to where the explanation can be obtained.

* * * * *

2. Section 52.26 is added to subpart A to read as follows:

§ 52.26 Visibility monitoring strategy.

(a) *Plan Disapprovals.* The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to visibility monitoring. Specific disapprovals are listed where applicable in Subparts B through DDD of this part. The provisions of this section have been incorporated by reference into the applicable implementation plan for various States, as provided in Subparts B through DDD of this part.

(b) *Definitions.* For the purposes of this section:

(1) "Visibility protection area" means any are listed in 40 CFR 81.401–81.436 (1984).

(2) All other terms shall have the meaning ascribed to them in the Clean Air Act, or in the protection of visibility program (40 CFR 51.301).

(c) *Monitoring requirements.* (1) The Administrator, in cooperation with the appropriate Federal Land Manager, shall monitor visibility within each visibility protection area in any State whose State implementation plan is subject to a disapproval for failure to satisfy 40 CFR 51.305 (1984).

(2) The Administrator, in monitoring visibility within each such area, shall determine both background visibility conditions and reasonably attributable visibility impairment caused by a source or small group of sources for that area. The extent and the form of monitoring shall be sufficient for use in determining the potential effects of a new stationary source on visibility in the area, the stationary source or sources that are causing any visibility impairment, and progress toward remedying that impairment.

(3) The Administrator shall use the following as appropriate to monitor visibility within each such area: (i) Photographic cameras; (ii) particulate matter samplers; (iii) teleradiometers, (iv) nephelometers, (v) human observation, or (vi) other appropriate technology.

(4) The Administrator, in cooperation with the Federal Land Managers, shall prepare monitoring plans that describe to the maximum extent practicable the methods and instruments of data collection, the monitoring locations and frequencies, the implementation schedule, the quality assurance procedures, and the methods of data reporting that the Administrator will use for each area. The Administrator shall make these plans available to the public.

(5) The Administrator shall establish a central repository of monitoring data that (i) includes any data on background visibility conditions and reasonably attributable impairment that the Administrator collects under this section and that the Federal Land Manager may collect or may have collected independently, and (ii) is available to any person subject to reasonable charges for copying.

(d) *Plan revision.* (1) The Administrator shall review the monitoring plan annually for each visibility protection area, revise it as necessary, and include an assessment of changes of visibility conditions since the last review. The Administrator shall make all plan revisions available to the public.

(2) Any person may request the Administrator at any time for a revision to a monitoring plan. The Administrator shall respond to any such request within one year.

(3) *Delegation.* The Administrator may delegate with respect to a particular visibility protection area any of his functions under this section to any State or local air pollution control agency of any State whose boundaries encompass that area or to any Federal

Land Manager with jurisdiction over the area.

3. Section 52.27 is added to Subpart A to read as follows:

§ 52.27 Protection of visibility from sources in attainment areas.

(a) *Plan Disapproval.* The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to protection of visibility in mandatory Class I Federal areas from sources emitting pollutants in any portion of any State where the existing air quality is better than the national ambient air quality standards for such pollutants. Specific disapprovals are listed where applicable in Subparts B through DDD of this part. The provisions of this section have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part.

(b) *Definitions.* For purposes of this section, all terms shall have the meaning ascribed to them in the Clean Air Act, in the prevention of significant deterioration (PSD) program approved as part of the applicable SIP pursuant to 40 CFR 51.24 for the State, or in the protection of visibility program (40 CFR 51.301) all as in effect on [date of publication].

(c) *Federal Visibility Analysis.* This section shall apply in any area where a State PSD program has been approved as part of the applicable SIP pursuant to 40 CFR 51.24. Any person shall have the right, in connection with any application for a permit to construct under that program a major stationary source or major modification, to request that the Administrator take responsibility from the State for conducting the required review of a proposed source's impact on visibility in any Federal Class I area. If requested, the Administrator shall take such responsibility and conduct such review pursuant to paragraphs (e), (f) and (g) of this section in any case where the State fails to provide all of the procedural steps listed in paragraph (d) of this section. A request pursuant to this paragraph must be made within 60 days of the notice soliciting public comment on a permit, unless such notice is not properly given. The Administrator will not entertain requests challenging the substance of any State action concerning visibility where the State has provided all of the procedural steps listed in paragraph (d) of this section.

(d) *Procedural steps in visibility review.* (1) The reviewing authority must provide written notification to all affected Federal Land Managers of any permit application for any proposed new major stationary source or major modification that may affect visibility in any Federal Class I area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include the proposed source's anticipated impacts on visibility in any Federal Class I area as provided by the applicant. Notification must also be given to all affected Federal Land Managers within 30 days of receipt of any advance notification of any such permit application.

(2) The reviewing authority must consider any analysis performed by the Federal Land Managers, provided within 30 days of the notification and analysis required by paragraph (d)(1) of this section, that such proposed new major stationary source or major modification may have an adverse impact on visibility on any Federal Class I area. Where the review in authority finds that such an analysis does not demonstrate to the satisfaction of the reviewing authority that an adverse impact on visibility will result in the Federal Class I area, either an explanation of its decision or notification as to where the explanation can be obtained must be included in the notice of public hearing. Where the reviewing authority finds that adverse impact on visibility will result, a permit shall not be issued.

(e) *Federal land manager notification.* The Administrator shall provide all of the procedural steps listed in paragraph (d) of this section conducting reviews pursuant to this section.

(f) *Monitoring.* The Administrator may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(g) *Public participation.* The Administrator shall follow the applicable procedures at 40 CFR Part 124 in conducting reviews under this section. The Administrator shall follow the procedures at 40 CFR 52.21(r) as in effect on June 19, 1979, to the extent that the procedures of 40 CFR Part 124 do not apply.

(h) *Federal permit.* In any case where the Administrator has made a finding that a State consistently fails or is unable to provide the procedural steps listed in paragraph (d) of this section, the Administrator shall require all prospective permit applicants in such State to apply directly to the Administrator, and the Administrator shall conduct a visibility review pursuant to this section for all permit applications.

4. Section 52.28 is added to Subpart A to read as follows:

§ 52.28 Protection of visibility from sources in nonattainment areas.

(a) *Plan disapproval.* The provisions of this section are applicable to any State implementation plan which has been disapproved with respect to protection of visibility in mandatory Class I Federal areas where visibility is considered an important value from sources emitting pollutants in any portion of any State where the existing air quality is not in compliance with the national ambient air quality standards for such pollutants. Specific disapprovals are listed where applicable in Subparts B through DDD of this part. The provisions of this section have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part.

(b) *Definitions.* For the purposes of this section:

(1) "Visibility protection area" means any area listed in 40 CFR 81.401–81.436 (1984).

(2) For purposes of this section, all terms shall have the meaning ascribed to them in the protection of visibility program (40 CFR 51.301) or the prevention of significant deterioration (PSD) program either approved as part to the applicable SIP pursuant to 40 CFR 51.24 or in effect for the applicable SIP pursuant to 40 CFR 52.21 all as in effect on [date of publication].

(c) *Review of major stationary sources and major modifications—source applicability and exemptions.* (1) No stationary source or modification to which the requirements of this section apply shall begin actual construction without a permit which states that the stationary souce or modification would meet those requirements. The Administrator has authority to issue any such permit.

(2) The requirements of this section shall apply to construction of any new major stationary source or major modification that would both be constructed in an area classified as nonattainment under section 107(d)(1)(A), (B) or (C) of the Clean Air Act and potentially have an impact on visibility in any visibility protection area.

(3) The requirements of this section shall apply to any such major stationary source and any such major modification with respect to each pollutant subject to regulation under the Act that it would emit, except as this section otherwise provides.

(4) The requirements of this section shall not apply to a particular major stationary source or major modification, if:

(i) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the governor of the State in which the source or modification would be located requests that it be exempt from those requirements; or

(ii) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(*a*) Coal cleaning plants (with thermal dryers);

(*b*) Kraft pulp mills;

(*c*) Portland cement plants;

(*d*) Primary zinc smelters;

(*e*) Iron and steel mills;

(*f*) Primary aluminum ore reduction plants;

(*g*) Primary copper smelters;

(*h*) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(*i*) Hydrofluoric, sulfuric, or nitric acid plants;

(*j*) Petroleum refineries;

(*k*) Lime plants;

(*l*) Phosphate rock processing plants;

(*m*) Coke oven batteries;

(*n*) Sulfur recovery plants;

(*o*) Carbon black plants (furnace process).

(*p*) Primary lead smelters;

(*q*) Fuel conversion plants;

(*r*) Sintering plants;

(*s*) Secondary metal production plants;

(*t*) Chemical process plants;

(*u*) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(*v*) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(*w*) Taconite ore processing plants;

(*x*) Glass fiber processing plants;

(*y*) Charcoal production plants;

(*aa*) Any other stationary source category which, as of August 7, 1980, is being regulated under sections 111 or 112 of the Act; or

(iii) The source is a portable stationary source which has previously received a permit under this section, and

(*a*) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and

(*b*) The emissions from the source would not exceed its allowable emissions; and

(*c*) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

(*d*) Reasonable notice is given to the Administrator prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Administrator not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the Administrator.

(5) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as attainment under section 107 of the Act.

(6) The requirements of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

(i) Would impact no Class I area and no area where an applicable increment is know be violated, and

(ii) Would be temporary.

(d) *Visibility impact analyses.* The owner or operator of a source shall provide an analysis of the impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification.

(e) *Federal land manager notification.* (1) The Federal Land Manager and the Federal official charged with direct responsibility for management of Federal Class I areas have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Administrator, whether a proposed source or modification will have an adverse impact on such values.

(2) The Administrator shall provide written notification to all affected Federal Land Managers of any permit application for any proposed new major stationary source or major modification that may affect visibility in any visibility protection area. The Administrator shall also provide such notification to the Federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in any visibility protection area. The Administrator shall also notify all affected FLM's within 30 days of receipt of any advance notification of any such permit application.

(3) The Administrator shall consider any analysis performed by the Federal Land Manager provided within 30 days of the notification and analysis required by paragraph (e)(2) of this section, that such proposed new major stationary source or major modification may have an adverse impact on visibility in any visibility protection area. Where the Administrator finds that such an analysis does not demonstrate to the satisfaction of the Administrator that an adverse impact on visibility will result in the visibility protection area, the Administrator must, in the notice of public hearing, either explain his decision or give notice as to where the explanation can be obtained.

(f) *Public participation.* The Administrator shall follow the applicable procedures of 40 CFR Part 124 in processing applications under this section. The Administrator shall follow the procedures at 40 CFR 52.21(r) as in effect on June 19, 1979, to the extent that the procedures of 40 CFR Part 124 do not apply.

(g) *National visibility goal.* The Administrator shall only issue permits to those sources whose emissions will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in visibility protection areas which impairment results from man-made air pollution. In making the decision to issue a permit the Administrator may take into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmetal impacts of compliance, and the useful life of the source.

(h) *Monitoring.* The Administrator may require monitoring of visibility in any Class I Federal area near the proposed new stationary source or major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

5. Sections 52.61 (Alabama), 52.145 (Arizona), 52.183 (Arkansas), 52.281 (California), 52.344 (Colorado), 52.534 (Florida), 52.584 (Georgia), 52.633 (Hawaii), 52.689 (Idaho), 52.936

(Kentucky), 52.1031 (Maine), 52.1183 (Michigan), 52.1236 (Minnesota), 52.1339 (Missouri), 52.1387 (Montana), 52.1488 (Nevada), 52.1531 (New Hampshire), 52.1605 (New Jersey), 52.1636 (New Mexico), 52.1782 (North Carolina), 52.1831 (North Dakota), 52.1933 (Oklahoma), 52.1989 (Oregon), 52.2132 (South Carolina), 52.2179 (South Dakota), 52.2234 (Tennessee), 52.2304 (Texas), 52.2347 (Utah), 52.2383 (Vermont), 52.2452 (Virginia), 52.2498 (Washington), 52.2533 (West Virginia), 52.2632 (Wyoming) and, 52.2781 (Virgin Islands) are added to read as follows:

§ 52.——— Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

6. Sections 52.61 (Alabama), 52.145 (Arizona), 52.183 (Arkansas), 52.534 (Florida), 52.584 (Georgia), 52.1339 (Missouri), 52.1782 (North Carolina), 52.1933 (Oklahoma), 52.1989 (Oregon), 52.2132 (South Carolina), and 52.2347 (Utah) are amended by adding paragraph (b) to read as follows:

§ 52.——— Visibility protection.

(b) *Regulations for visibility monitoring and new source review.* The provisions of §§ 52.26, 52.27 and 52.28, are hereby incorporated and made part of the applicable plan for the State of ———.

7. Sections 52.344 (Colorado), 52.633 (Hawaii), 52.689 (Idaho), 52.936 (Kentucky), 52.1183 (Michigan), 52.1236 (Minnesota), 52.1488 (Nevada), 52.1531 (New Hampshire), 52.1605 (New Jersey), 52.1636 (New Mexico), 52.2179 (South Dakota), 52.2234 (Tennessee), 52.2304 (Texas), 52.2452 (Virginia), 52.2498 (Washington), 52.2533 (West Virginia), are amended by adding paragraph (b) to read as follows:

§ 52.——— Visibility protection.

* * * * *

(b) *Regulations for visibility monitoring and new source review.* The provisions of §§ 52.26, and 52.28, are hereby incorporated and made a part of the applicable plan for the State of ———.

8. Sections 52.1031 (Maine), 52.1387 (Montana), 52.1881 (North Dakota), 52.2382 (Vermont), 52.2781 (Virgin Islands) and 52.2632 (Wyoming) are amended by adding paragraph (b) to read as follows:

§ 52.——— Visibility protection.

* * * * *

(b) *Regulations for visibility monitoring and new source review.* The provisions of §§ 52.26 and 52.27 are hereby incorporated and made a part of the applicable plan for the State of ———.

9. Section 52.281 is amended by adding paragraphs (b), (c), and (d) to read as follows:

§ 52.281 Visibility protection.

* * * * *

(b) *Regulations for visibility monitoring.* The provisions of § 52.26, are hereby incorporated and made part of the applicable plan for the State of California.

(c) *Regulations for visibility and new source review.* The provisions of §52.27 are hereby incorporated by reference and made part of the applicable plan for the State of California only with respect to:

(1) Lassen County air pollution control district,

(2) Monterey County air pollution control district,

(3) North Coast Regional air pollution control district, and

(4) Sacramento County air pollution control district.

(d) The provisions of § 52.28 are hereby incorporated and make part of the applicable plan for the State of California, except for:

(1) Lassen County air pollution control district,

(2) Monterey County air pollution control district, and

(3) Sacramento County air pollution control district.

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federal register

Tuesday
October 23, 1984

Part III

Federal Emergency Management Agency

National Board Program Plan for Carrying Out Emergency Food and Shelter; Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Plan for Carrying Out Emergency Food and Shelter National Board Program

AGENCY: Federal Management Agency.

ACTION: Notice.

SUMMARY: The notice sets out the text of the Plan by which the National Board, created by Pub. L. 98–396, will conduct a program for distributing $70,000,000 to local private voluntary organizations for the purpose of delivering emergency food and shelter to needy individuals in localities determined by the Board as being in high need. The distribution formula for selecting these localities, the listing of the localities, and the award amount for each follow the Plan text.

The initial grant to the National Board was made September 21, 1,984.

DATE: Octeber 15, 1984.

FOR FURTHER INFORMATION CONTACT: aren Keefer, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0567.

Dated: October 15, 1984.

Dennis Kwiathowski,

Chairman, National Board for Emergency Food and Shelter Program

Foreword

In accordance with Pub. L. 98–396, a National Board has been formed to distribute $70 million to local public and private organizations for the purpose of delivering emergency food and shelter to needy individuals. The National Board is composed of representatives of the United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross and the Federal Emergency Management Agency (FEMA).

This Plan has been developed by the National Board to outline the procedures, eligibility, roles and responsibilities in receiving the $70 million grant from FEMA and distributing it to local service providers.

The National Board has once again adopted the following operating principles:

—Speedy administration and funding
—Awards to areas of greatest need
—Local decision-making
—Public/Private sector cooperation
—Minimum but accountable reporting

Preamble

Public Law 98–396 has been passed to continue the provision of Emergency Food and Shelter Services to needy individuals. The National Board would like to reiterate that grant awards from this program are designed to address emergency Food and Shelter needs which have resulted from the economic conditions of the last few years. This program is not intended to address or correct structural poverty or long-standing problems. Rather, this appropriation is for the purchase of food and shelter, to supplement and extend current available resources and not to substitute or reimburse ongoing programs and services.

The National Board expects Local Boards to abide by the stated rules of this Plan *and* focus on the following concerns and principles mandated by the National Board.

—Serve *needy* individuals without discrimination but avoid duplication of benefits.
—Take the *MOST COST EFFECTIVE* approach in buying or leasing eligible items or services.
—Refuse to authorize the spending of funds on costs that differ from those allowed in the plan, unless a request is made *in advance and approved* by the National Board.
—Restrict Shelter Rehabilitation to minimum work required to make a facility safe, secure and sanitary, or to bring the facility into compliance with local building codes. Avoid decorative or non-essential repairs as this is outside the intent of this program. The benefit of rehabilitation to provide service in the future must be carefully weighed against the response to needs that exist presently. In such cases, the National Board counsels that emphasis should be placed on currently existing needs.

The National Board is mandated, as are Local Boards and Service Organizations, to carry-out the intent of the Law. We must all ensure that as decisions are made, we not only ask does this fall with the guidelines of eligible costs, but does this decision fulfill the *intent* of the program and Pub. L. 98–396.

The National Board has attempted to describe this program with some precision while not stifling local initiative. The result was to minimize the sense of enthusiasm and excitement that National Board members have for this tremendously successful public-private partnership. Government and voluntary resources and skills can come together with care and dispatch to assist those in need.

The stewardship of Local Boards and services provided by Recipient Organizations are proof, once again, of a caring society.

Summary of Key Plan Changes

Listed below are highlights of some key changes in this year's Emergency Food and Shelter National Board Program. The full plan should be referred to for additional detail on these changes, and detail on the other important rules of this program. Since local decision-making is so important, the Local Board should read the entire Plan to be sure it understands all guidelines and program intent.

(1) Grant Award Process (2.1.A.)

To ensure greater accountability and reporting, grant awards from the National Board will be made in multiple payments. The first checks will be mailed directly to Local Recipient Organizations. Subsequent checks will be mailed directly to the Local Board Chair upon his/her written request, for distribution to Recipient Organizations.

(2) Designation of Target Areas (2.1.B.)

In order to strengthen its allocation forumla, the National Board based its selection of qualifying jurisdictions upon Bureau of Labor Statistics average rates of unemployment for the period June 1983 through May 1984, and poverty rates from the 1980 Census. A jurisdiction could qualify *based upon either factor.* The area's *award amount* is then determined by the average number of unemployed in the area, divided by the average number of unemployed in all areas covered by the program.

(3) Minimal Funding for Each State (2.1.B.)

All states will have jurisdictions receiving awards totaling *at least* $125,000.

(4) Selection of Recipient Organizations (2.1.E.)

—Local Recipient Organizations, either local government or private voluntary, must abide by the same application, implementation and reporting procedures.
—If a Local Board decides to allocate more than one-third (⅓) of the jurisdiction's total grant to a single Recipient Organization, the Local Board must submit a written justification to the National Board with the Local Board plan.

(5) Eligibility of Costs (2.2)

—Leasing of capital equipment (i.e., over $300 in cost) for mass feeding or mass

shelters must be approved *in advance* by the Local Board. (2.2.B.4.)

—Utility costs which result from *increased* mass food or mass shelter operations are allowed. Utility costs are fuel for heating or cooling, elecricity, and water costs. Telephone costs *are not* allowed. (2.2.B.5.)

—*Once* only, limited energy utility assistance (one individual month maximum, not an accumulated bill) for individuals or families after all other resources have been exhausted, are eligible. (See 2.2.B.6.)

—Rehabilitation work *approved in advance* by the Local Board is allowed for not-for-profit mass feeding or mass sheltering operations (i.e., five beds or more) necessary to expand capacity or bring the facility into compliance with local building codes (see 2.2.B.9. for further detail.)

1.0 Background and Introduction

On March 24, 1983, the President signed the "Jobs Stimulus Bill," Public Law (Pub. L.) 98–8. That Bill provided $50 million for emergency food and shelter to the Federal Emergency Management Agency (FEMA) for allocation by a National Board between March 1983 and March 1984. The Board, chaired by FEMA, consisted of representatives of the United Way of America; the Salvation Army; the National Council of Churches; the National Conference of Catholic Charities; the Council of Jewish Federations, Inc.; and the American Red Cross. This funding was provided to address emergency food and shelter needs that initially arose as a result of economic problems related to the 1982 recession.

Due to the continuing high need for emergency food and shelter services, legislation (Pub. L. 98–151 and Pub. L. 98–181) was signed in November 1983, making $40 million additional funds available for the National Board Program through May 15, 1984.

On August 22, 1984, Pub. L. 98–396 was signed by the President, providing $70 million for the Emergency Food and Shelter National Board Program. FEMA awarded the grant to the National Board on September 21, 1984. The National Board has determined that these funds shall be available for use through July 31, 1985.

1.1 Purpose

This plan details the roles, responsibilities, and implementation procedures which shall be followed by the National Board, Local Boards, and Local Recipient Organizations in the use of this $70 million award. The funds will be used to provide emergency food and shelter to needy individuals through local private voluntary organizations as well as *local units of government, which are now permitted to receive grant awards from this program.*

The intent of Congress is that there is an emergency need to supplement other food and shelter assistance individuals might currently be receiving, as well as to assist those who are receiving no assistance. Services received under this program should not reduce or affect assistance an individual receives under any other Federal, State, or local assistance program.

1.2 Scope

The program is nationwide in scope and will provide emergency food and shelter assistance to needy individuals in areas that are designated by the National Board as being in highest need.

Due to the emergency nature of this program, Congress designated the agencies named on this National Board because of their past long-standing service in this area. Since there are a number of local agencies that have the ability to deliver services which are not associated with a state or national organization, *local participation in the program is not limited to organizations that are part of a state or national organization.*

Organizations that received awards from previous legislation or any individuals that received assistance from those funds, may again be eligible for supplemental assistance providing either the organization or individual has maintained their eligibility.

1.3 Objectives

A. National Board

Identify areas having the highest need for food and shelter assistance, determine the amount and distribution of funds to these areas, ensure that funds are properly accounted for, and hear and decide on waivers and appeals.

B. Local Board

Determine which private voluntary organizations and/or public organizations in an area should receive grants and recommend amount of the grants, based on the award by the National Board; maintain an appeals process, monitor recipients for program compliance, reallocate funds, ensure proper reporting; and coordinate with other federal assistance programs available in the locality.

C. Local Recipient Organizations

Utilize all funds by July 31, 1985 for emergency food and/or shelter for needy individuals, in accord with the instructions contained in this plan; submit full and accurate reports and documentation of its activity to the Local Board as required.

1.4 Lead Agency Responsibilities

A. The Director of the Federal Emergency Management Agency (FEMA) constituted a National Board consisting of seven members. The United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and the American Red Cross, and the Federal Emergency Management Agency have each designated a representative to sit on the National Board. The representative of FEMA chairs the National Board, using Parliamentary procedures and consensus by the National Board as the mode of operation.

B. The FEMA Director awarded a grant for $70 million to the National Board on September 21, 1984, for the purpose of providing emergency food and shelter to needy individuals through local private voluntary and public organizations.

C. FEMA will conduct an audit of fund utilization after all funds have been expended.

2.0 Concept of Operations

A. Funds distributed by the National Board will be to areas of greatest need. The formula for distribution is explained in section 2.1.C.

B. National Board funds will be distributed to Local Recipient Organizations certified eligible by Local Boards. (Refer to section 2.1.A., for Grant Award Process.)

C. There is an administrator cost limitation of one and one-quarter percent (1.25%) for local jurisdictions, and three-quarters of one percent (.75%) for National Board administrative cost.

Local administrative funds are intended for use by local service providers *and not* for reimbursement of program or administrative costs any Recipient's parent organization (its State or regional offices) might incur as a result of this additional funding. (See item 2.2.A.4. Eligibility Costs.)

D. The National Board will allocate funds no later than December 31, 1984, to local private voluntary and public organizations based upon recommendation by Local Boards. Unused or recaptured funds will be reallocated by the National Board.

E. All funds shall be paid out by recipient entities, and spending shall cease by July 31, 1985. Local Boards have up to September 30, 1985 (60 days)

to provide complete documentation of expenses to the National Board.

2.1 General Guidelines

A. Grant Award Process

United Way of America has been designated as the fiscal agent for the National Board. The grant awarded to the National Board will provide for an advance for checks to be written to local organizations selected by Local Boards for funding. Local Boards have the right to reallocate funds throughout the program period, as Boards determine necessary. When a Local Board reallocation occurs, it is the responsibility of the Local Board to promptly notify the Secretariat so that the Local Board's records can be updated accordingly.

To ensure greater accountability and reporting, grant awards from the National Board will be made in multiple payments. The first checks will be mailed directly to Local Recipient Organizations and the second and/or third checks will be mailed to the chair to the Local Board, upon his/her written request. Once the Recipient meets Local Board requirements, the Local Board will then distribute checks to Local Recipient Organizations.

Recipient organizations with awards totaling $100,000 or more will be paid in three equal installments. The first payment will be sent directly to the Recipient with the second and third checks sent to the Local Board for distribution to the Recipient once the Local Board is assured that the Recipient meets all plan requirements, and the Local Board Chair has requested the check in writing.

B. Designation of Target Areas

Local area of highest need will be selected to receive funds from the National Board based upon average unemployment statistics by the Department of Labor for the period June 1983 through May 1984 and/or poverty statistics from the 1980 census. The Board adopted this combined approach in order to more effectively target funds for high-need areas. (See formula, 2.1.C.)

A notice will be placed in the **Federal Register** in mid-October 1984, listing the civil jurisdictions that are selected and the dollar amount each has been awarded.

Recognizing the high need that exists in all areas throughout the nation, $125,000 in minimal funding shall be awarded to private voluntary and public organizations in jurisdictions designated as needy by the State Selection Committee, (see 2.1.D.4) while Puerto Rico and the U.S. territories will receive their percentage based upon the determination of the National Board.

C. Program Funds

The National Board has asked United Way of America to act as the Board's fiscal agent and Secretariat and perform the necessary administrative duties that the Board must accomplish.

Jurisdictions may *qualify* for an award based upon their rate of unemployment *or* their rate of poverty. Once a jurisdiction's eligibility is established, and National Board will determine its funds distribution based on a ratio calculated as follows: the average number of unemployed within an eligible area *divided-by* the average number of unemployed covered by the national program *equals* the area's percentage of $70 million (less National Board administrative costs, and less that portion of program funds required to fulfill the $125,000 minimum per State.)

$$\frac{\text{Area's average number unemployed}}{\text{Average number unemployed in all eligible areas}} = \text{Area's \% of \$70 million less National Board's administrative costs and State minimums}$$

D. Formation of Local Boards

Each area designated by the National Board to receive funds shall constitute a Local Board with representatives to the extent practicable including, but not limited to, the same organizations represented on the National Board, except that the Mayor (or his/her designee) or appropriate head of government (or his/her designee) will replace the FEMA member. The members of each Local Board will elect the Chair.

1. If a locality has previously received National Board funding, the previous Chair of the Local Board will be contacted regarding any new funding the locality is designated to receive. The Local Board may elect a new Chair.

2. If a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board as described above. In the event the local United Way does not convene the Board, the local American Red Cross will be responsible for covening the initial meeting of the Local Board.

3. In the event a State is designated to receive the $125,000 minimum for its high-need localities, the United Way in the capitol city will be asked to convene a State Selection Committee reflecting the make up of the National Board. The Governor (or his/her designee) will replace the FEMA member. Members of the State Selection Committee shall elect their own chair.

4. The State Selection Committee is charged with recommending high-need jurisdictions and award amounts within the state. *The State Committee has two weeks to notify the National Board of its selections.* The National Board will then notify these jurisdictions directly, and the State Selection Committee may dissolve after Local Boards have been chosen.

The National Board will allow those Local Boards which wish to better utilize their resources by merging their Boards to do so, provided the local heads of government for each Local Board sit on the merged Board to ensure that the individuals within the respective civil jurisdiction are provided with the assistance they are to receive. Separate reporting for each jurisdiction's award amount must however be maintained.

Local Boards will have 25 working days after notification of award selection by the National Board in which to:

—Certify that they shall carry out the duties prescribed by the National Board;

—Certify that Local Recipient Organizations selected for funding are capable of delivering emergency food and/or shelter assistance and meet the criteria for funding;

—Notify the National Board of each Recipient's award amount and planned use of funds.

After 25 working days, if a Local Board is unable to satisfy the National Board as to the local area's capability to utilize funds in accordance with this Plan, the National Board may reallocate the funds to areas of greatest need.

The Chair of the Local Board will be the central point of contact between the National Board and the Local Recipient Organizations selected to receive monetary assistance for emergency food and shelter programs. To ensure program coordination, the Chair of the Local Board will contact the State agencies through which surplus food and other federal assistance is provided. A listing of those agencies will be provided to the Local Board along with the grant award letter. The State Agency responsible for the Low-Income Home Energy Assistance Program funding (LIHEAP), will contact the Local Board regarding utility assistance provided in that State.

Local Boards will be responsible for monitoring programs carried out by the

local organizations they have selected to receive funds. To prevent fraud or misuse of funds, Local Boards might wish to create a central clearinghouse for all organizations providing similar assistance to individuals so information can be shared daily.

When misuse of funds has been found, or for other reasons they deem necessary, Local Boards have the right to reallocate funds from one organization to another or from food to shelter or from shelter to food. The National Board must be notified in writing of any such alteration in the originally approved Local Board plan.

Local Boards must remain in operation until all progam and audit requirements of the National Board have been met.

E. Selection of Recipient Organizations

Due to the emergency nature of this program, Congress designated the agencies named on this National Board because of their past long-standing service in providing emergency food and shelter. In selecting Local Recipient Organizations to receive funds distributed by the National Board, the Local Board must consider the demonstrated capability of any organization to provide food and shelter assistance. It is expected that reasonable efforts will be made to identify potentially eligible Recipient Organizations.

Local Boards are required to broadly advertise and promote the availability of these funds before funding decisions are made. The Local Board has the authority to determine which local organizations will receive grants and provide the assistance.

Units of local government are now eligible to receive grant awards from Local Boards. However, local units of government must abide by the same application and reporting procedures as private, not-for-profit organizations. This includes maintaining award funds in a separate bank account; providing estimates (and later confirmation) of the number of meals and/or nights lodging delivered; remaining within the adminstrative cost allowance; and accounting for program funds as a part of its annual audit.

For a local organization to be eligible for funding it must (1) be nonprofit, (2) have an accounting system, conduct an annual audit, (3) practice nondiscrimination, and (4) for private voluntary organizations, have a voluntary board.

If a Local Board decides to allocate one-third or more of its total award to a single recipient the Local Board must submit a written justification of this decision to the National Board prior to the National Board's release of the grant award.

Each Local Recipient Organization will be responsible for certifying in writing to the Local Board that it has read and accepts the cost eligibility and reporting standards of the Plan, and agrees to abide by reporting and other requirements made by the Local Board.

Where there is a local religious or service organization which does not have an adequate accounting system but meets all the other criteria, the Local Board may authorize funds to be channeled through a fiscal agent. Fiscal agents will be held accountable for compliance with the Plan.

All agencies receiving funds through a fiscal agent must be separately listed on the Board Plan. Checks will be made out to the Recipient Organization in care of the fiscal agent.

Each Local Board will be responsible for certifying the eligibility of the Local Recipient Organizations it selects for funding and for monitoring these Recipient Organizations. A certification form will be sent to the Chair of the Local Board (or in care of the United Way or American Red Cross) when notification is sent that the area has been selected as a target area for assistance. The certification form must be signed by the Chair of the Local Board and returned to the National Board before money will be released.

2.2 Eligibility of Costs

This appropriation is for the *purchase of food and shelter,* to supplement and extend current available resources and *not to substitute or reimburse ongoing programs and services.* Interpretation questions should be cleared by the Recipient Organization with the Local Board *prior* to action. Local Boards unsure of the meaning of these guidelines should contact the Secretariat for clarification *prior to* advising the Local Recipient Organization.

A. INELIGIBLE COSTS purposes for which funds *CANNOT BE USED,* include:

1. *Rental security* or *utility deposits,* payment of more than one month's rent or mortgage, or payment of more than one month's portion of an accumulated utility bill for an individual or family, *repairs to individual's homes or apartments of any size.*

2. Cash payments to clients.

3. Capital expenditures or real property and equipment purchases (i.e., land, building, vehicles, office equipment, or any equipment costing more than $300); repairs or rehabilitation to profit-making facilities; lease-purchase agreements except as provided under 2.2.B.4).

4. Indirect administrative costs (e.g., procurement services, communications, equipment, travel, or professional services).

5. Administrative cost reimbursements to state or regional offices of governmental or voluntary organizations.

6. Lobby efforts which use federal funds.

7. Expenditures made prior to the date of the award (i.e., the date the National Board signs and approves the award) to the Local Recipient Organization, or after July 31, 1985.

B. ELIGIBLE PROGRAM COSTS include:

1. Purchase of food for mass feeding.

2. *Transportation expenses related to the provision of food.*

3. Purchase of supplies incidental to mass feeding and/or mass shelters of five beds or more (e.g., utensils, pots, pans, blenders, and other small equipment costing less than $300 per item).

4. Leasing of capital equipment (i.e., over $300 in cost) only for the program period (such as stoves, freezers, vans, etc.) associated with the mass feedings or mass shelters *must be approved in advance by the Local Board.* Lease-purchase agreements are allowed if the cost of the lease for the program period (i.e., plan approval date up to 7/31/85) would exceed the purchase price, *and* the agreement is approved *in advance* by the Local Board.

5. Direct expenses associated with new or expanded services or to prevent closings of mass shelters or mass feeding operations (e.g., cots, blankets, supplies, rent, cleaning, pest control), only during program period. *Increased utility costs* for heating or cooling, electricity, or water are allowable for mass shelters and mass feeding operations.

6. *ONLY ONCE,* for one month, limited energy assistance for individuals or families only after all other resources have been exhausted.

This assistance is available if the household has needs that cannot be sufficiently met or provided under the State's Low-Income Home Energy Assistance Program (e.g., services not immediately available, eligibility requirements or services too restricted, funds. exhausted). In such instances utility payments may be provided but are *restricted to one month maximum.* If a utility bill contains charges for more than one month, *only one month's* portion of that accumulated bill can be paid.

The National Board recommends that dispensing of individual utility assistance be limited to one private and/or public agency, to aviod duplication of benefits. Other agencies can then refer potential clients to that agency(s) for utility assistance.

7. Emergency lodging or shelter costs (e.g., hotel or motel expenses only if the Local Recipient Organization provides emergency shelter by using a voucher system).

8. *ONCE ONLY,* limited, emergency rent or mortgage assistance (one-month maximum) to avoid immediate eviction *when no other resources of assistance exist.*

9. Rehabilitation *approved in advance* by Local Boards for local government or not-for-profit mass shelters (i.e., five beds or more) or mass feeding operations necessary to expand capacity or to bring the facility into compliance with local building codes. Funds for rehabilitation are intended to make a facility safe, secure, and sanitary, and should not be used for decorative or non-essential purposes. Individual residences or profit-making facilities are not eligible for these funds.

All rehabilitation work *must be completed and paid out by the end of the program (7/31/85).* Expenses which occur after that date *will not* be accepted as eligible costs.

Note.—Refer to Preamble of this Plan for further detail on the National Board's intent with regard to shelter rehabilitation.

C. ELIGIBLE ADMINISTRATION COSTS (limited to up to 1.25% of total funds received, less if Local Board takes administrative costs) include:

1. Audit expenses including cost of CPA certification of documentation;

2. Printing and reproduction costs (to advertise and promote program availability); and

3. Overhead expenses associated with expanded services (i.e., insurance and personnel costs up to the administrative limit);

D. In extreme cases, exemptions to the above may be requested in writing *in advance* from the National Board.

Note.—If there is any question regarding the cost eligibility of any item, contact the National Board staff prior to making payment or incurring costs.

2.3 Roles and Responsibilities

A. FEMA's Responsibilities

1. Constitute a National Board.

2. Chair the National Board.

3. Provide guidance, coordination and staff assistance to the National Board.

4. Award to the National Board a grant of $70 million by September 21, 1984.

5. Assist the Secretariat and Fiscal Agent in implementation of the National Board Program.

6. Conduct an audit of funds in accordance with the audit plan submitted by the National Board.

B. National Board Responsibilities

1. Determine how funds are to be distributed to individual localities.

2. Meet with national organizations interested in food and shelter but not represented on the National Board to promote the availability of funds and obtain recommendations to improve the Plan.

3. Develop this operational Plan for distributing funds and establishing criteria for expenditure of funds.

4. Notify Chairs of Local Boards that previously received National Board funding, or in areas that are newly selected for funding, notify the local United Way of American Red Cross. Provide copies for notification to local agencies represented on the National Board and to heads of government of areas selected to receive funds. Secure certification from Local Boards that funds will be used in accordance with established criteria.

5. Distribute funds to selected Local Recipient Organizations.

6. Hear appeals and waivers.

7. Within 60 days following the grant award, submit to FEMA and audit plan.

8. Submit end-of-program report on jurisdictions' uses of funds to FEMA.

C. Responsibility of Local United Way (or American Red Cross) in Newly Funded Areas

(Chairs of current Local Boards will reconstitute the Board.)

1. Constitute a Local Board.

2. Convene initial meeting.

D. Local Board's Responsibilities

1. Elect a Chair.

2. Consider adding additional board members to broaden community representation.

3. *Advertise and promote program and consider all private voluntary and public organizations providing or capable of providing, emergency food and/or shelter assistance, not just those represented on the Local Board.*

4. Determine which local organizations should receive grants and the amount of the grants.

5. Establish an appeals process and, if possible, involve individuals not a part of the decision in dispute; hear and resolve appeals made by funded or nonfunded organizations; and investigate complaints made by individuals or organizations. Those cases that cannot be handled locally or that involve fraud or other misuse of Federal funds should be referred to the National Board.

6. *Justify in writing to the National Board any award of more than one-third (⅓) of the total grant award to a single agency.*

7. Secure and maintain signed forms from each Local Recipient Organization certifying they have read and understood program guidelines and will comply with eligibility costs and reporting requirements.

8. Return Local Board Certification Form *and* Local Recipient Organization Certification Forms with Local Board plan to National Board within 25 working days after receipt of award notification.

9. Provide technical assistance to potential service providers.

10. Coordinate local food distribution and other federal assistance programs with State agencies which administer those programs (i.e., U.S.D.A.—surplus food; LIHEAP—utilities, etc.).

11. *Monitor expenditures of funds* and compliance with eligible cost provisions at local level and ensure that all Recipient Organizations maintain proper documentation and submit reports accurately and on time. Ensure that Recipient Organizations spend all funds by the July 31, 1985 deadline.

12. Reallocate funds, as necessary, from food to shelter (or vice-versa) or from one Recipient Organization to another and notify the National Board *in writing* as promptly as possible.

13. Submit reports to the National Board on expenditures and Local Recipient Organizations' programs by February 28 (for period through January 31), May 31 (for period through April 30); and September 30 (for the period through July 31). Notification and report forms will be sent by the National Board.

14. Retrieve, and review for accuracy, private voluntary and public organizations' reports and documentation, and forward to the National Board. In the event of expenditures violating the eligible costs under this award, Local Board must ensure reimbursement is made to the National Board.

Local Boards are required to remain in operation until all program and audit requirements of the National Board have been satisfied.

3.0 Reporting Requirements

Local Boards will *monitor* Local Recipient Organizations' expenditures and eligible cost compliance, and submit interim reports on February 28, 1985 and May 31, 1985. The last report, September

30, 1985, must be accompanied by the Recipient Organizations' financial documentation.

The National Board will compile the reports it receives from the Local Boards and submit a detailed accounting of use of all program monies in the form of a report to FEMA by December 31, 1985.

The National Board will conduct an audit of Local Board (and Local Recipient Organizations) records. FEMA's Inspector General will conduct an audit of the expenditure of funds used under the appropriation for the food distribution and emergency shelter program. The SL/DA/IA program office in FEMA will prepare a report for the FEMA Director. The FEMA Director will prepare a report to Congress.

SUMMARY OF REPORTS REQUIRED UNDER THE PROGRAM 1985

Period covered	Local recipient organization's report due to local board	Local Board report due to National Board
Project beginning through January 31st.	February 21st	February 28th.
Project beginning through April 30th.	May 24	May 31st.
Project beginning through July 31st.	September 23rd (with all documentation).	September 30th (with each recipient's documentation).

4.0 Amendments to Plan

The National Board reserves the right to amend this Plan at any time.

SUPPLEMENTARY INFORMATION: The National Board based their determination of high-need localities on four factors: (1) Most current twelve-month unemployment rates; (2) total number of unemployed within a civil juridiction; (3) total number of individuals below the poverty level within a civil jurisdiction; and (4) the total population of the civil jurisdiction. In addition to unemployment, poverty was used to *qualify* a jurisdiction for receipt of an award. This addition was made to improve the targeting of funds for high-need areas.

Unemployment data for the period June 1983 through May 1984 and poverty data from the 1980 census were used to select the following jurisdictions:

- Jurisdictions, including balance of counties, with 18,000+ unemployed *and* a 7.5%+ rate of unemployment.
- Jurisdictions, including balance of counties, with 1,000 to 17,999 unemployed *and* a 12%+ rate of unemployment.
- Jurisdictions, including balance of counties, with an 11%+ rate of poverty *and* over 1,000 unemployed persons.
- A minimum of $125,000 per state has been awarded for high-need areas within each state.

The following listing is of localities that meet any of the above qualifications.

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION

Alabama	
Autauga County	$16,605.00
Baldwin County	37,284.00
Barbour County	12,652.00
Bibb County	10,023.00
Blount County	19,859.00
Butler County	13,808.00
Calhoun County	51,064.00
Chambers County	14,470.00
Cherokee County	14,834.00
Chilton County	16,512.00
Clarke County	14,526.00
Coffee County	17,677.00
Colbert County	38,748.00
Covington County	17,705.00
Cullman County	33,107.00
Dale County	15,020.00
Dallas County	34,981.00
De Kalb County	34,767.00
Elmore County	19,178.00
Escabmia County	20,222.00
Etowah County	56,994.00
Fayette County	9,556.00
Franklin County	26,152.00
Geneva County	9,873.00
Houston County	37,126.00
Jackson County	37,116.00
Jefferson County	317,993.00
Lauderdale County	52,369.00
Lawrence County	22,171.00
Lee County	24,530.00
Limestone County	21,239.00
Madison County	82,195.00
Marengo County	12,661.00
Marion County	21,481.00
Marshall County	40,193.00
Mobile County	97,942.00
Mobile City	126,658.00
Monroe County	12,726.00
Montgomery County	87,024.00
Morgan County	46,626.00
Pickens County	11,496.00
Pike County	15,057.00
Randolph County	13,053.00
Russell County	21,901.00
St. Clair County	21,807.00
Shelby County	32,389.00
Talladega County	44,566.00
Tallapoosa County	16,708.00
Tuscaloosa County	59,586.00
Walker County	46,188.00
Washington County	10,927.00
Winston County	15,990.00
Total	$1,905,335.00
Alaska	
State Selection Committee	$50,897.00
Fairbanks Division	37,699.00
Kenai-Cook Inlet Division	19,022.00
Matanuska-Susitna Borough	17,382.00
Total	$125,000.00
Arizona	
Apache County	22,675.00
Cochise County	24,931.00
Conconino County	29,835.00
Gila County	23,616.00
Graham County	10,946.00
Maricopa County	188,501.00
Phoenix City	253,839.00
Mohave County	25,369.00
Navajo County	31,075.00
Pima County	159,299.00
Pinal County	42,832.00
Santa Cruz County	17,295.00
Yavapai County	24,334.00
Yuma County	56,640.00
Total	$911,187.00
Arkansas	
Arkansas County	9,351.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Ashley County	10,806.00
Benton County	22,581.00
Chicot County	9,855.00
Clay County	11,906.00
Columbia County	11,058.00
Craighead County	23,019.00
Crawford County	15,887.00
Crittenden County	25,919.00
Desha County	9,790.00
Faulkner County	18,320.00
Garland County	27,429.00
Greene County	10,722.00
Hot Spring County	14,666.00
Independence County	12,615.00
Jackson County	13,911.00
Jefferson County	33,471.00
Lee County	9,622.00
Lonoke County	10,591.00
Mississippi County	29,816.00
Ouachita County	11,477.00
Phillips County	18,013.00
Poinsett County	13,817.00
Pope County	15,123.00
Pulaski County	115,489.00
St. Francis County	18,852.00
Sebastian County	34,208.00
Union County	17,845.00
Washington County	27,905.00
White County	26,870.00
Total	$630,934.00
California	
Alameda County	$217,962.00
Berkeley City	42,058.00
Oakland City	167,001.00
Amador County	9,752.00
Butte County	77,366.00
Calaveras County	11,915.00
Colusa County	10,871.00
Contra Costa County	227,267.00
Del Norte County	12,549.00
Fresno County	225,990.00
Fresno City	137,576.00
Glenn County	15,589.00
Humboldt County	55,400.00
Imperial County	158,386.00
Kern County	260,038.00
Kings County	41,573.00
Lake County	20,232.00
Lassen County	10,769.00
Los Angeles County	1,650,324.00
Los Angeles City	1,373,560.00
Kadera County	39,951.00
Mendocino County	37,443.00
Merced County	91,164.00
Monterey County	155,179.00
Orange County	619,604.00
Plumas County	11,552.00
Riverside County	279,227.00
Sacramento County	338,383.00
San Benito County	22,143.00
San Bernardino County	311,775.00
San Diego County	301,155.00
San Diego City	273,660.00
San Francisco City/County	274,677.00
San Joaquin County	245,550.00
San Luis Obispo County	42,841.00
Santa Cruz County	85,701.00
Shasta County	70,699.00
Siskiyou County	28,147.00
Soland County	90,437.00
Stanislaus County	143,375.00
Modesto City	85,011.00
Sutter County	47,745.00
Tehama County	21,034.00
Tulare County	149,995.00
Tuolumne County	19,132.00
Ventura County	220,936.00
Yolo County	63,949.00
Yuba County	35,336.00
Total	$8,831,979.00
Colorado	
Boulder County	$48,650.00
Denver City/County	138,611.00
Fremont County	10,452.00
La Plata County	9,929.00
Larimer County	39,578.00
Pueblo County	52,490.00
Weld County	33,797.00
Total	$333,507.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Connecticut	
Fairfield County	$187,195.00
Hartford County	204,882.00
New Haven County	197,376.00
Total	$589,453.00
Delaware	
Kent County	$37,312.00
New Castle County	131,843.00
Sussex County	29,443.00
Total	$198,598.00
District of Columbia	
District of Columbia	$337,926.00
Total	$337,926.00
Florida	
Alachua County	$31,914.00
Bay County	52,798.00
Broward County	292,269.00
Citrus County	18,954.00
Collier County	41,526.00
Columbia County	13,267.00
Dade County	507,846.00
Miami City	187,260.00
Duval County	179,914.00
Escambia County	65,152.00
Gadsden County	13,388.00
Hendry County	13,929.00
Hernando County	16,773.00
Highlands County	17,444.00
Hillsborough County	229,915.00
Indian River County	33,238.00
Jackson County	14,861.00
Lake County	53,078.00
Leon County	35,299.00
Marion County	45,713.00
Monroe County	12,764.00
Nassau County	14,125.00
Okeechobee County	10,424.00
Orange/Orlando Counties	169,219.00
Osceola County	21,696.00
Palm Beach County	219,071.00
Pinellas County	173,509.00
Polk County	194,794.00
Putnam County	20,996.00
St. Johns County	24,054.00
St. Lucie County	62,560.00
Santa Rosa County	18,404.00
Sarasota County	42,542.00
Sumter County	12,186.00
Volusia County	71,184.00
Total	$2,932,066.00
Georgia	
Bartow County	$16,745.00
Macon/Bibb Jones Counties	51,288.00
Bulloch County	10,135.00
Carroll County	20,092.00
Chatham County	63,735.00
Clarke County	19,523.00
Coffee County	9,631.00
Colquitt County	10,769.00
Coweta County	12,018.00
Dougherty County	41,489.00
Floyd County	30,357.00
Atlanta/Dekalb, Fulton Counties	334,011.00
Glynn County	17,966.00
Gordon County	11,747.00
Houston County	20,456.00
Laurens County	12,661.00
Lowndes County	20,288.00
Newton County	11,412.00
Polk County	12,353.00
Richmond County	55,288.00
Spalding County	20,194.00
Sumter County	10,806.00
Thomas County	12,689.00
Tift County	10,778.00
Troup County	17,882.00
Walker County	17,267.00
Walton County	10,955.00
Ware County	13,332.00
Whitfield County	23,141.00
Columbus City	42,869.00
Total	$961,886.00
Hawaii	
State Selection Committee	$87,496.00
Hawaii County	37,504.00
Total	125,000.00
Idaho	
State Selection Committee	$3,438.00
Bingham County	13,309.00
Bonner County	11,529.00
Canyon County	36,684.00
Kootenai County	27,690.00
Shoshone County	9,376.00
Twin Falls County	22,974.00
Total	$125,000.00
Illinois	
Adams County	$42,011.00
Champaign County	50,029.00
Christian County	18,255.00
Clark County	10,899.00
Clay County	10,787.00
Coles County	21,817.00
Cook County	903,801.00
Chicago City	1,416,727.00
Crawford County	12,372.00
Du Page County	221,692.00
Edgar County	12,689.00
Fayette County	14,200.00
Franklin County	28,324.00
Fulton County	33,499.00
Grundy County	19,094.00
Hancock County	10,983.00
Henry County	37,051.00
Jackson County	24,026.00
Jefferson County	25,471.00
Jersey County	11,552.00
Aurora, Elgin/Kane Counties	120,916.00
Kankakee County	55,782.00
Knox County	33,630.00
La Salle County	65,310.00
Lawrence County	9,370.00
McDonough County	19,029.00
Macon County	71,156.00
Madison County	146,517.00
Marion County	27,858.00
Mason County	11,263.00
Montgomery County	21,341.00
Peoria County	118,584.00
Perry County	13,873.00
Pike County	11,850.00
Richland County	12,279.00
Rock Island County	120,505.00
St. Clair County	143,338.00
Saline County	18,936.00
Shelby County	13,090.00
Tazewell County	84,628.00
Union County	11,337.00
Vermilion County	55,167.00
Warren County	11,337.00
Wayne County	12,148.00
White County	12,167.00
Witeside County	43,270.00
Will County	164,902.00
Williamson County	37,956.00
Winnebago County	135,357.00
Total	$4,528,175.00
Indiana	
Daviess County	$9,864.00
Delaware County	53,292.00
Fayette County	15,495.00
Fountain County	9,370.00
Greene County	14,106.00
Jay County	11,626.00
Jefferson County	21,015.00
Jennings County	11,347.00
Knox County	16,624.00
Lake County	180,594.00
Gary City	122,789.00
La Porte County	58,075.00
Madison County	49,143.00
Indianapolis City	349,189.00
Monroe County	31,447.00
Orange County	9,734.00
Perry County	12,782.00
Porter County	59,987.00
St. Joseph County	89,925.00
Scott County	14,908.00
Starke County	10,358.00
Sullivan County	12,158.00
Vanderburgh County	76,974.00
Vermillion County	9,482.00
Vigo County	58,155.00
Wayne County	39,951.00
White County	12,801.00
Total	$1,359,200.00
Iowa	
Blackhawk County	$74,466.00
Jackson County	10,703.00
Johnson County	15,057.00
Woodbury County	31,848.00
Total	$132,074.00
Kansas	
State Selection Committee	$44,839.00
Crawford County	10,960.00
Douglas County	14,996.00
Wyandotte County	54,205.00
Total	$125,000.00
Kentucky	
Barren County	$16,167.00
Bell County	16,269.00
Boyd County	31,886.00
Boyle County	11,580.00
Carter County	17,994.00
Casey County	12,465.00
Christian County	17,351.00
Clark County	10,750.00
Clay County	10,741.00
Daviess County	37,816.00
Fayette County	52,519.00
Floyd County	30,348.00
Graves County	17,593.00
Grayson County	12,046.00
Greenup County	33,340.00
Hardin County	20,157.00
Harlan County	26,339.00
Hopkins County	21,509.00
Jefferson County	290,620.00
Johnson County	13,612.00
Kenton County	53,945.00
Knott County	10,190.00
Knox County	12,447.00
Laurel County	19,682.00
Letcher County	19,803.00
Lincoln County	12,214.00
Logan County	13,454.00
McCracken County	29,154.00
Madison County	13,966.00
Magoffin County	10,107.00
Marion County	9,333.00
Marshall County	14,973.00
Morgan County	10,657.00
Muhlenberg County	19,719.00
Nelson County	16,941.00
Ohio County	12,419.00
Perry County	18,330.00
Pike County	57,758.00
Pulaski County	20,996.00
Russell County	12,717.00
Union County	12,670.00
Warren County	30,366.00
Whitley County	14,703.00
Total	$1,147,646.00
Louisiana	
Acadia Parish	$28,520.00
Allen Parish	13,034.00
Ascension Parish	30,879.00
Assumption Parish	14,032.00
Avoyelles Parish	20,978.00
Beauregard Parish	13,668.00
Bossier Parish	32,221.00
Caddo Parish	100,813.00
Calcasieu Parish	102,753.00
Concordia Parish	11,421.00
De Soto Parish	11,738.00
Baton Rouge City/E. Baton Rouge Parish	123,749.00
Evangeline Parish	19,169.00
Franklin Parish	13,687.00
Iberia Parish	45,890.00
Iberville Parish	16,372.00
Jefferson Davis Parish	19,672.00
Lafayette Parish	66,737.00
Lafourche Parish	40,650.00
Lincoln Parish	9,818.00
Livingston Parish	34,226.00
Morehouse Parish	15,290.00
Natchitoches Parish	14,563.00
New Orleans City	201,684.00
Ouachita Parish	55,399.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Plaquemines Parish	10,135.00
Pointe Coupee Parish	13,538.00
Rapides Parish	47,372.00
Richland Parish	10,246.00
St. Bernard Parish	33,322.00
St. Charles Parish	20,260.00
St. James Parish	11,542.00
St. John Baptist Parish	20,139.00
St. Landry Parish	56,584.00
St. Martin Parish	25,816.00
St. Mary Parish	45,293.00
St. Tammany Parish	44,855.00
Tangipahoa Parish	50,915.00
Terrebonne Parish	53,768.00
Vermilion Parish	27,532.00
Vernon Parish	14,582.00
Washington Parish	21,985.00
Webster Parish	20,297.00
Total	$1,585,144.00

Maine

Androscoggin County	$41,377.00
Aroostook County	47,680.00
Cumberland County	56,145.00
Franklin County	11,188.00
Hancock County	14,908.00
Kennebec County	35,242.00
Knox County	12,652.00
Oxford County	17,658.00
Penobscot County	48,929.00
Somerset County	23,430.00
Waldo County	14,097.00
Washington County	16,605.00
Total	$339,911.00

Maryland

Allegany County	$37,862.00
Dorchester County	14,517.00
Garrett County	15,859.00
Somerset County	12,195.00
Wicomico County	21,220.00
Worcester County	15,719.00
Baltimore City	296,270.00
Total	$413,642.00

Massachusetts

Bristol County	$184,137.00
Essex County	193,452.00
Hampden County	148,046.00
Middlesex County	321,284.00
Plymouth County	90,633.00
Brockton City	35,112.00
Suffolk County	218,401.00
Worcester County	201,432.00
Total	$1,392,497.00

Michigan

Allegan County	$44,454.00
Alpena County	21,761.00
Antrim County	11,141.00
Arenac County	9,501.00
Barry County	22,040.00
Bay County	75,836.00
Berrien County	92,675.00
Branch County	22,469.00
Calhoun County	75,482.00
Charlevoix County	13,817.00
Cheboygan County	22,721.00
Chippewa County	25,229.00
Clare County	14,321.00
Delta County	30,795.00
Emmet County	18,544.00
Genesee County	147,860.00
Flint City	115,852.00
Gladwin County	11,673.00
Gogebic County	11,468.00
Grand Traverse County	36,660.00
Gratiot County	18,973.00
Houghton County	17,202.00
Huron County	21,891.00
Lansing/Eaton, Ingham County	153,426.00
Iosco County	14,041.00
Isabella County	27,625.00
Jackson County	86,838.00
Kalamazoo County	91,994.00
Kent County	250,557.00
Lapeer County	36,520.00
Leelanau County	11,151.00
Lenawee County	50,990.00
Livingston County	55,493.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Mackinac County	18,731.00
Macomb County	324,660.00
Warren City	106,995.00
Manistee County	14,330.00
Marquette County	39,018.00
Mason County	18,367.00
Mecosta County	17,351.00
Menominee County	17,640.00
Midland County	38,590.00
Monroe County	86,978.00
Montcalm County	31,644.00
Muskegon County	90,782.00
Newaygo County	23,225.00
Oakland County	400,263.00
Pontiac City/Waterford Township	103,779.00
Oceana County	14,181.00
Ogeman County	12,559.00
Osceola County	11,188.00
Presque Isle County	9,687.00
Roscommon County	10,591.00
Saginaw County	113,298.00
St. Clair County	87,910.00
Sanilac County	25,714.00
Shiawassee County	34,720.00
Tuscola County	33,825.00
Van Buren County	41,321.00
Washtenaw County	113,363.00
Wayne County	497,878.00
Detroit City	772,471.00
Wexford County	15,169.00
Total	$4,787,228.00

Minnesota

Becker County	$16,027.00
Beltrami County	13,165.00
Blue Earth County	15,188.00
Cass County	11,095.00
Crow Wing County	17,742.00
Hennepin County	265,773.00
Itasca County	22,619.00
Lake County	10,778.00
Meeker County	10,535.00
Morrison County	12,941.00
Otter Tail County	22,423.00
Pine County	10,573.00
Polk County	14,694.00
St. Louis County	126,743.00
Stearns County	40,687.00
Total	$610,963.00

Mississippi

Adams County	$20,828.00
Alcorn County	21,015.00
Attala County	10,368.00
Bolivar County	16,885.00
Coahoma County	16,829.00
Copiah County	11,981.00
De Soto County	18,339.00
Forrest County	26,152.00
George County	12,381.00
Hancock County	10,246.00
Harrison County	58,700.00
Hinds County	85,253.00
Holmes County	11,160.00
Jackson County	78,167.00
Jones County	25,798.00
Lauderdale County	25,910.00
Lee County	22,656.00
Leflore County	20,586.00
Lincoln County	16,456.00
Lowndes County	21,052.00
Madison County	14,684.00
Marion County	14,778.00
Marshall County	12,335.00
Monroe County	14,423.00
Neshoba County	10,088.00
Oktibbeha County	9,995.00
Panola County	12,848.00
Pearl River County	15,048.00
Pike County	15,645.00
Prentiss County	11,561.00
Rankin County	19,887.00
Scott County	12,437.00
Sunflower County	14,899.00
Tate County	9,473.00
Tishomingo County	18,954.00
Warren County	23,700.00
Washington County	35,047.00
Yazoo County	10,517.00
Total	$807,081.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Missouri

Boone County	$24,018.00
Buchanan County	37,228.00
Butler County	19,402.00
Camden County	9,929.00
Cape Girardeau County	20,400.00
Dunklin County	18,591.00
Greene County	64,472.00
Howell County	12,894.00
Kansas City/Clay, Jackson, Platte County	320,668.00
Jasper County	34,086.00
Laclede County	9,706.00
Lawrence County	10,480.00
Marion County	14,517.00
Miller County	11,272.00
New Madrid County	10,871.00
Newton County	13,398.00
Pemiscot County	11,291.00
Pettis County	14,750.00
Phelps County	11,710.00
Randolph County	10,013.00
St. Francois County	22,078.00
St. Louis County	334,365.00
Scott County	18,861.00
Stoddard County	15,253.00
Stone County	9,724.00
Taney County	13,575.00
Texas County	10,274.00
Washington County	9,836.00
St. Louis City	235,509.00
Total	$1,349,171.00

Montana

State Selection Committee	$44,707.00
Gallatin County	12,918.00
Lincoln County	10,438.00
Missoula County	25,565.00
Ravalli County	10,765.00
Butte City-Silver Bow County	20,607.00
Total	$125,000.00

Nebraska

State Section Committee	$12,098.00
Douglas County	99,323.00
Scotts Bluff County	13,579.00
Total	$125,000.00

Nevada

State Selection Committee	$125,000.00
Total	$125,000.00

New Hampshire

State Selection Committee	$112,586.00
Coos County	12,414.00
Total	$125,000.00

New Jersey

Atlantic County	$97,569.00
Camden County	143,589.00
Cape May County	62,830.00
Cumberland County	78,251.00
Essex County	155,785.00
Newark City	166,441.00
Hudson County	154,759.00
Jersey City	109,503.00
Mercer County	90,474.00
Passaic County	194,607.00
Salem County	25,779.00
Union County	179,410.00
Total	$1,458,997.00

New Mexico

Bernalillo County	$159,943.00
Chaves County	16,661.00
Cibola County	17,864.00
Curry County	10,974.00
Dona Ana County	33,313.00
Eddy County	28,958.00
Grant County	13,771.00
Lea County	17,948.00
McKinley County	20,847.00
Otero County	10,964.00
Rio Arriba County	19,961.00
San Juan County	47,922.00
San Miguel County	10,274.00
Sante Fe County	23,374.00
Taos County	17,425.00
Valencia County	11,011.00
Total	$461,210.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

New York

Albany County	71,818.00
Allegany County	18,423.00
Broome County	58,308.00
Cattaraugus County	35,214.00
Chenango County	18,013.00
Clinton County	26,236.00
Cortland County	19,905.00
Delaware County	11,747.00
Erie County	231,043.00
Buffalo City	189,638.00
Essex County	17,295.00
Franklin County	19,831.00
Fulton County	30,040.00
Greene County	16,092.00
Herkimer County	25,863.00
Jefferson County	50,178.00
Lewis County	9,538.00
Madison County	21,145.00
Monroe County	211,492.00
Nassau County	360,423.00
Niagara County	105,969.00
Oneida County	73,907.00
Onondaga County	126,187.00
Oswego County	42,505.00
Otsego County	17,155.00
Rensselaer County	44,557.00
St. Lawrence County	36,482.00
Schenectady County	42,552.00
Schoharie County	10,461.00
Steuben County	32,688.00
Suffolk County	394,472.00
Sullivan County	18,982.00
Tompkins County	19,663.00
Warren County	20,847.00
Washington County	14,489.00
Weschester County	217,944.00
New York City	2,513,429.00
Total	$5,176,531.00

North Carolina

Anson County	$11,347.00
Beaufort County	17,080.00
Bertie County	12,027.00
Bladen County	17,360.00
Brunswick County	23,784.00
Buncombe County	50,850.00
Carteret County	13,398.00
Cleveland County	35,448.00
Columbus County	28,819.00
Craven County	17,938.00
Cumberland County	56,043.00
High Point/Davidson County	53,582.00
Duplin County	18,777.00
Durham County	37,489.00
Edgecombe County	32,417.00
Forsyth County	78,354.00
Franklin County	13,081.00
Granville County	11,878.00
Greensboro/Guilford County	81,701.00
Halifax County	25,192.00
Harnett County	18,805.00
Haywood County	16,852.00
Henderson County	16,530.00
Hertford County	9,715.00
Jackson County	11,458.00
Johnston County	22,786.00
Lee County	17,760.00
Lenoir County	24,838.00
McDowell County	13,454.00
Martin County	12,074.00
Mecklenberg County	128,318.00
Moore County	16,335.00
Nash County	27,420.00
New Hanover County	46,435.00
Onslow County	15,169.00
Orange County	15,812.00
Pender County	11,449.00
Person County	13,946.00
Pitt County	32,315.00
Richmond County	18,610.00
Robeson County	54,244.00
Rockingham County	37,415.00
Rutherford County	22,917.00
Sampson County	21,295.00
Scotland County	13,277.00
Stokes County	13,976.00
Surry County	24,129.00
Vance County	19,001.00
Wayne County	33,163.00
Wilkes County	16,838.00
Wilson County	40,846.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Yadkin County	10,004.00
Total	$1,437,763.00

North Dakota

State Selection Committee	$125,000.00
Total	$125,000.00

Ohio

Ashtabula County	$65,236.00
Athens County	20,316.00
Belmont County	53,451.00
Brown County	18,572.00
Butler County	112,142.00
Carroll County	14,190.00
Clark County	65,880.00
Columbiana County	67,352.00
Crawford County	26,534.00
Cuyahoga County	666,371.00
Fayette County	16,418.00
Columbus/Fairfield, Franklin Counties	395,984.00
Gallia County	17,752.00
Guernsey County	24,204.00
Hamilton County	351,557.00
Hardin County	15,020.00
Harrison County	12,643.00
Highland County	19,430.00
Hocking County	15,654.00
Holmes County	10,302.00
Huron County	39,783.00
Jackson County	15,784.00
Jefferson County	40,697.00
Knox County	24,418.00
Lake County	121,708.00
Lawrence County	37,862.00
Logan County	19,243.00
Lorain County	148,298.00
Lucas County	215,753.00
Mahoning County	163,663.00
Marion County	40,501.00
Meigs County	13,687.00
Mercer County	21,518.00
Monroe County	9,612.00
Dayton/Greene, Montgomery Counties	271,992.00
Morrow County	12,950.00
Muskingum County	42,254.00
Ottawa County	22,600.00
Perry County	18,003.00
Pike County	15,533.00
Portage County	71,352.00
Richland County	58,308.00
Ross County	29,350.00
Scioto County	51,689.00
Seneca County	30,982.00
Stark County	205,944.00
Summit County	246,408.00
Trumbull County	92,516.00
Warren City	34,310.00
Tuscarawas County	46,384.00
Washington County	36,986.00
Total	$4,189,066.00

Oklahoma

Beckham County	$15,160.00
Bryan County	12,866.00
Caddo County	13,277.00
Carter County	18,311.00
Cherokee County	14,283.00
Cleveland County	35,560.00
Comanche County	22,777.00
Creek County	29,229.00
Custer County	11,729.00
Delaware County	9,864.00
Garvin County	11,002.00
Grady County	18,199.00
Hughes County	9,603.00
LeFlore County	17,304.00
Lincoln County	11,048.00
Logan County	10,414.00
McCurtain County	16,297.00
Mayes County	17,593.00
Muskogee County	31,215.00
Oklahoma City/Canadian, McClain, Okla	239,006.00
Okmulgee County	19,188.00
Ottawa County	13,342.00
Payne County	17,043.00
Pittsburg County	19,206.00
Pontotoc County	11,347.00
Seminole County	12,764.00
Sequoyah County	12,074.00
Total	$669,701.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Oregon

Baker County	$10,992.00
Benton County	18,059.00
Coos County	36,501.00
Douglas County	44,612.00
Jackson County	62,411.00
Josephine County	27,802.00
Klamath County	26,488.00
Lane County	121,549.00
Lincoln County	18,395.00
Linn County	47,316.00
Malheur County	13,799.00
Salem/Marion, Polk Counties	109,223.00
Portland/Clackamas, Multnomah, Washing Counties	476,598.00
Tillamook County	10,936.00
Union County	11,039.00
Total	$1,037,720.00

Pennsylvania

Allegheny County	$702,387.00
Armstrong County	45,936.00
Beaver County	116,337.00
Bedford County	34,142.00
Berks County	120,421.00
Blair County	73,403.00
Bradford County	23,709.00
Butler County	74,839.00
Cambria County	103,154.00
Carbon County	31,466.00
Centre County	44,090.00
Clarion County	24,530.00
Clearfield County	56,472.00
Clinton County	22,041.00
Crawford County	44,618.00
Dauphin County	71,856.00
Erie County	141,474.00
Fayette County	98,856.00
Franklin County	64,807.00
Fulton County	9,342.00
Greene County	20,400.00
Huntingdon County	24,511.00
Indiana County	52,155.00
Jefferson County	25,928.00
Juniata County	9,538.00
Lackawanna County	97,914.00
Lancaster County	97,159.00
Lawrence County	63,567.00
Lehigh County	105,887.00
Luzerne County	181,247.00
Lycoming County	62,364.00
McKean County	26,059.00
Mercer County	72,210.00
Mifflin County	22,861.00
Northampton County	121,493.00
Northumberland County	47,326.00
Philadelphia County	637,245.00
Schuylkill County	78,578.00
Somerset County	55,698.00
Susquehanna County	12,848.00
Tioga County	15,262.00
Venango County	43,606.00
Warren County	24,511.00
Washington County	127,563.00
Wayne County	13,538.00
Westmoreland County	243,024.00
Wyoming County	12,717.00
Total	$4,199,269.00

Rhode Island

Providence County	$206,028.00
Total	$206,028.00

South Carolina

Abbeville County	$10,582.00
Aiken County	41,284.00
Anderson County	51,558.00
Beaufort County	18,181.00
Berkeley County	26,581.00
Charleston County	79,696.00
Cherokee County	16,801.00
Chester County	16,307.00
Chesterfield County	15,710.00
Clarendon County	11,626.00
Colleton County	12,559.00
Darlington County	26,814.00
Dillon County	12,643.00
Dorchester County	15,719.00
Florence County	43,484.00
Georgetown County	25,816.00

EMERGENCY FOOD AND SHELTER PROGRAM ALLOCATION—Continued

Greenville County	93,057.00
Greenwood County	24,819.00
Horry County	51,297.00
Kershaw County	14,964.00
Marion County	20,353.00
Marlboro County	19,868.00
Newberry County	10,424.00
Oconee County	22,292.00
Orangeburg County	34,114.00
Richland County	69,226.00
Spartanburg County	69,021.00
Sumter County	30,795.00
Union County	18,712.00
Williamsburg County	16,036.00
Total	$920,339.00

South Dakota

State Slection Committee	$108,886.00
Pennington County	16,114.00
Total	$125,000.00

Tennessee

Anderson County	$30,870.00
Bedford County	14,321.00
Benton County	10,097.00
Blount County	34,450.00
Bradley County	29,844.00
Campbell County	23,029.00
Carroll County	16,325.00
Carter County	25,928.00
Claiborne County	11,356.00
Cocke County	28,604.00
Coffee County	21,239.00
Cumberland County	17,080.00
Nashville/Davidson County	136,989.00
Dickson County	19,290.00
Dyer County	15,999.00
Fayette County	10,293.00
Fentress County	10,107.00
Franklin County	15,328.00
Gibson County	22,451.00
Grainger County	10,414.00
Greene County	30,152.00
Hamblen County	22,833.00
Hamilton County	114,025.00
Hardeman County	9,435.00
Hardin County	15,729.00
Hawkins County	18,852.00
Haywood County	12,745.00
Henderson County	12,335.00
Henry County	14,675.00
Humphreys County	11,197.00
Jefferson County	19,700.00
Knox County	125,893.00
Lauderdale County	10,386.00
Lawrence County	18,516.00
Lincoln County	10,340.00
Loudon County	14,759.00
McMinn County	20,726.00
McNairy County	16,409.00
Madison County	31,839.00
Marion County	13,910.00
Maury County	23,234.00
Monroe County	18,479.00
Montgomery County	31,318.00
Morgan County	10,200.00
Obion County	13,612.00
Overton County	10,013.00
Putnam County	23,420.00
Rhea County	12,894.00
Roane County	22,581.00
Robertson County	16,782.00
Scott County	12,587.00
Sevier County	35,009.00
Shelby County	301,239.00
Sullivan County	61,562.00
Tipton County	14,656.00
Warren County	18,356.00
Washington County	38,879.00
Weakley County	11,477.00
White County	10,349.00
Total	$1,735,119.00

Texas

Anderson County	$12,848.00
Angelina County	26,879.00
Bell County	31,690.00
Bexar County	250,902.00
Bowie County	26,133.00
Brazos County	21,602.00
Brown County	11,608.00
Calhoun County	9,379.00
Cameron County	125,680.00
Cass County	15,048.00
Cherokee County	11,272.00
Dallas/Collin, Dallas, Denton Counties	453,509.00
Ector County	50,952.00
Ellis County	16,763.00
El Paso County	199,866.00
Galveston County	92,292.00
Longview/Gregg, Harrison Counties	75,053.00
Hale County	11,925.00
Hardin County	18,181.00
Houston/Fort Bend, Harris Counties	1,209,234.00
Hays County	10,256.00
Henderson County	13,370.00
Hidalgo County	233,122.00
Howard County	11,384.00
Hunt County	18,889.00
Jasper County	14,321.00
Jefferson County	129,129.00
Jim Wells County	15,421.00
Kleberg County	10,629.00
Lamar County	13,407.00
Liberty County	20,493.00
Lubbock County	70,028.00
McLennan County	42,272.00
Matagorda County	18,078.00
Maverick County	31,951.00
Morris County	10,023.00
Nacogdoches County	13,687.00
Navarro County	12,195.00
Nueces County	129,996.00
Orange County	66,420.00
Rusk County	16,363.00
San Patricio County	30,469.00
Smith County	41,200.00
Starr County	44,435.00
Tarrant County	252,252.00
Taylor County	33,685.00
Titus County	9,407.00
Tom Green County	22,991.00
Travis County	97,169.00
Upshur County	13,174.00
Val Verde County	16,446.00
Victoria County	30,161.00
Webb County	83,631.00
Wharton County	15,011.00
Wichita County	34,991.00
Zavala County	12,810.00
Total	$4,310,082.00

Utah

Cache County	$16,735.00
Carbon County	17,584.00
Salt Lake County	205,627.00
Uintah County	10,983.00
Utah County	65,012.00
Weber County	58,915.00
Total	$374,856.00

Vermont

State Selection Committee	$88,354.00
Addison County	9,497.00
Franklin County	12,414.00
Windham County	14,735.00
Total	$125,000.00

Virginia

Accomack County	$11,477.00
Buchanan County	28,035.00
Dinwiddie County	10,181.00
Halifax County	11,766.00
Montgomery County	13,053.00
Patrick County	9,650.00
Pittsylvania County	22,786.00
Russell County	18,824.00
Smyth County	14,442.00
Tazewell County	30,954.00
Washington County	13,239.00
Wise County	20,810.00
Wythe County	12,018.00
Chesapeake City	24,297.00
Danville City	17,826.00
Hampton City	27,355.00
Lynchburg City	17,136.00
Newport News City	29,220.00
Norfolk City	46,990.00
Peterburg City	15,067.00
Portsmouth City	30,366.00
Richmond City	57,218.00
Roanoke City	28,940.00
Suffolk City	15,057.00
Total	$526,707.00

Washington

Adams County	$9,846.00
Benton County	72,144.00
Chelan County	35,112.00
Clallam County	26,590.00
Cowlitz County	43,475.00
Franklin County	26,581.00
Grant County	31,373.00
Grays Harbor County	39,326.00
King County	572,642.00
Kittitas County	14,162.00
Klickitat County	10,778.00
Lewis County	33,098.00
Okanogan County	26,665.00
Pacific County	10,769.00
Pierce County	206,318.00
Skagit County	44,696.00
Snohomish County	187,195.00
Spokane County	132,672.00
Stevens County	18,936.00
Walla Walla County	24,437.00
Whatcom County	54,514.00
Yakima County	125,446.00
Total	$1,746,775.00

West Virginia

Barbour County	$12,764.00
Berkeley County	21,565.00
Boone County	23,225.00
Braxton County	9,454.00
Brooke County	14,088.00
Huntington/Wayne, Cabell Counties	78,959.00
Fayette County	37,489.00
Greenbrier County	25,770.00
Hancock County	18,432.00
Harrison County	42,850.00
Jackson County	17,966.00
Kanawha County	119,917.00
Lewis County	10,088.00
Lincoln County	19,439.00
Logan County	43,922.00
McDowell County	35,084.00
Marion County	35,270.00
Marshall County	26,814.00
Mason County	19,961.00
Mercer County	45,107.00
Mineral County	15,178.00
Mingo County	25,816.00
Monongalia County	27,392.00
Nicholas County	25,546.00
Ohio County	33,098.00
Preston County	16,661.00
Putnam County	23,579.00
Raleigh County	53,432.00
Randolph County	20,428.00
Roane County	12,624.00
Taylor County	11,002.00
Upshur County	14,451.00
Webster County	9,603.00
Wetzel County	13,966.00
Wood County	51,036.00
Wyoming County	23,458.00
Total	$1,035,434.00

Wisconsin

Barron County	$17,631.00
Clark County	16,120.00
Columbia County	28,334.00
Madison/Dane Counties	108,338.00
Douglas County	19,458.00
Dunn County	12,037.00
Eau Claire/Chippewa, Eau Claire Counties	50,280.00
Grant County	21,239.00
Iowa County	9,948.00
Milwaukee County	386,632.00
Oconto County	13,612.00
Appleton/Calumet, Outagamie Counties	70,513.00
Rock County	65,767.00
Sauk County	25,621.00
Taylor County	11,356.00
Trempealeau County	14,582.00
Vernon County	11,813.00
Total	$883,281.00

Wyoming

State Selection Committee	$125,000.00
Total	$125,000.00

EMERGENCY FOOD AND SHELTER PROGRAM
ALLOCATION—Continued

Puerto Rico	
Puerto Rico	$1,127,618.00
Total	$1,127,618.00
Guam	
Guam	$39,550.00
Total	$39,550.00
American Samoa	
American Samoa	$41,650.00
Total	$41,650.00
Virgin Island	
Virgin Islands	$54,600.00
Total	$54,600.00
Trust Territories	
Trust Territories	$189,350.00
Total	$189,350.00
No. Mariana Islands	
North Mariana Island	$24,850.00
Total	$24,850.00

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Reader Aids

Federal Register

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Tuesday, October 23, 1984

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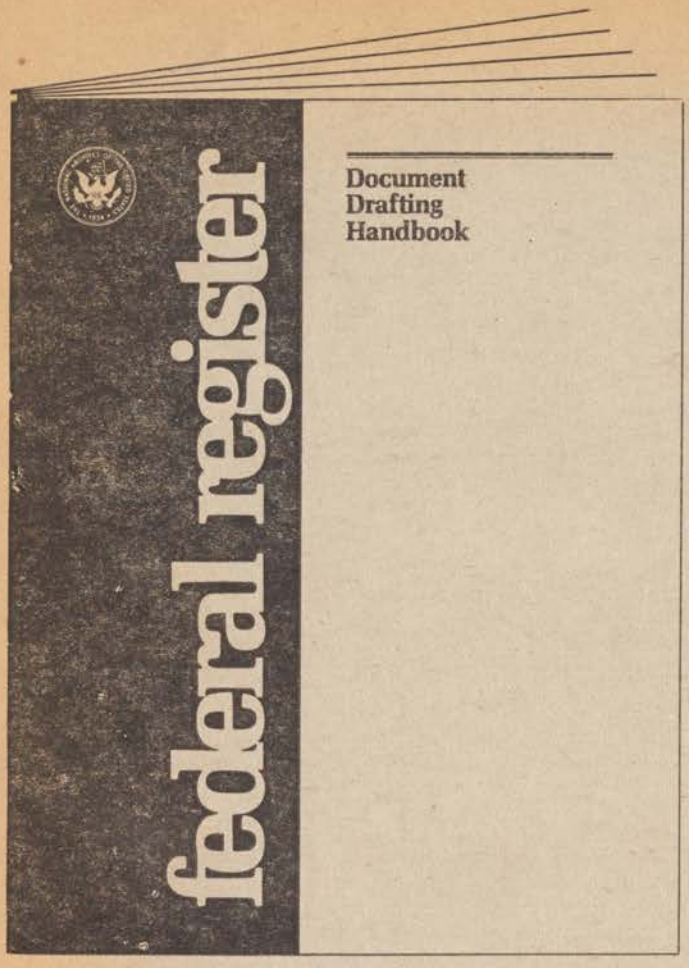
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