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Thursday
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Environmental Protection Agency

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Civil Aeronautics Board

Archives and Records
National Archives and Records Service

Aviation Safety
Federal Aviation Administration

Chemicals
Environmental Protection Agency

Endangered and Threatened Species
Animal and Plant Health Inspection Service

Excise Taxes
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Motor Vehicle Safety
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Organization and Functions (Government Agencies)
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Plants (Agriculture)
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 355 and 356

[Docket No. 84-319]

Endangered Species Regulations Concerning Terrestrial Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document establishes enforcement regulations pertaining to the importation, exportation, and reexportation of terrestrial plants under the Endangered Species Act of 1973, as amended, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. These regulations are necessary to implement enforcement responsibilities assigned to the Secretary of Agriculture.

EFFECTIVE DATE: November 26, 1984.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

Don Thompson, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 663, Federal Building, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Background

The United States Department of Agriculture (referred to below as USDA) is responsible for enforcement of the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; referred to below as the Act), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (MIAS 8249, 27 U.S.T. 1087; referred to below as the Convention) which pertain to the importation, exportation, or reexportation of terrestrial plants. This document sets forth regulations which implement these enforcement responsibilities.

On December 6, 1983, USDA published a document in the **Federal Register** (48 FR 54627-54638) which proposed regulations to implement USDA's responsibilites under the Act and the Convention. The proposed regulations consisted of four subparts. These subparts were captioned as follows: (1) Purpose and Definitions; (2) Permission To Engage in Business; (3) Inspection and Related Provisions; and (4) Procedures Relating to Forfeiture. The proposal provided a 60 day period for receiving written comments on the proposal. This comment period expired on February 6, 1984. The comment period was reopened from February 15, 1984, through April 2, 1984 (see 49 FR 5778). Additionally, USDA held two public hearings on the proposal—one in Miami, Florida on January 10, 1984, and one in Los Angeles, California on January 12, 1984.

Forty comments were received and considered. These comments are discussed below by issue. Specifically, written comments were received from 14 nurserymen and exporters, 7 national environmental organizations, 3 government agencies and 5 individuals. In addition, 11 individuals offered testimony on the proposal at the public hearings held in Miami and Los Angeles. The proposal is adopted as a final rule except for changes discussed below based on comments.

Comments Pertaining to "Definitions" [Section 355.2]

Comments were submitted which recommended (1) that the definition of the terms "Engage in business as an importer, exporter or reexporter of terrestrial plants," "Inspector", and "Terrestrial plants" be modified, and (2) that the terms "Export" and "Validation" be defined to clarify the meaning of these terms.

Specifically, a number of comments recommended that the term "Engage in business as an importer, exporter or reexporter of terrestrial plants" be changed in order to clarify whether the phrase "gain or profit" applies to persons who barter, collect or otherwise acquire or exchange terrestrial plants protected by the Act but do not transfer money in the process.

It was intended that the term "Engage in business as an importer, exporter or reexporter of terrestrial plants" include businesses which obtain plants through bartering, collecting or otherwise exchange plants as well as businesses with more traditional practices if the businesses are for gain or profit. Therefore, in order to avoid confusion the term "Engage in business as an importer, exporter or reexporter of terrestrial plants" is changed in the final rule to read: "To import, export, or reexport terrestrial plants for the purpose of selling, bartering, collecting, or otherwise acquiring or exchanging the terrestrial plants as a livelihood or enterprise engaged in for gain or profit. This term shall not include persons engaged in business merely as carriers or customhouse brokers."

One comment recommended that the term "Inspector" be redefined to specifically refer to inspectors at the ports and other commenters objected to the definition of "Terrestrial plants" because it included epiphytic plants.

No changes have been made based on comments received concerning the terms "Inspector" and "Terrestrial plants". Specifically, to define "Inspector" to mean only persons at a port who are authorized to conduct certain activities under the Act would be too narrow a definition for the purposes of the regulations, since some activities under these regulations may be performed at places other than at ports. Further, defining "Terrestrial plants" to include epiphytic plants is consistent with the intent of the Act that the term terrestrial plants refers to all plants which are not marine plants.

Based on comments received, however, definitions of the terms "Validation" and "Export" have been added to the final rule to clarify the meaning of these terms. The term "Validation" is defined in the final rule to mean "an original stamp, signature, and date of inspection placed upon documentation required by 50 CFR Part 17 or 23 by an inspector at the port where the terrestrial plants are to be

imported, exported or reexported." This describes what is involved in validating documents and explains that validation is done at the port. Finally, the term "Export (exported, exporting, exportation)" is defined in the final rule to mean "To carry, send, take, transport, or othewise remove, or to attempt to carry, send, take, transport or otherwise remove from any place subject to the jurisdiction of the United States." This definition reflects the common meaning in the Act of the term "export" and is consistent with the provisions of section 9(g) of the Act (16 U.S.C. 1539(g)) which prohibits the exportation and actions which "attempt to commit, or cause to be committed" the exportation of terrestrial plants in violation of the Act.

Comments Pertaining to "Permission To Engage in Business" (Section 355.11)

The comments submitted concerning the Subpart captioned "Permission to Engage in Business" recommended that (1) the name "General permit" be changed, (2) the general permit be combined with other permits or documents required for importation and exportation of plants; (3) the elimination of a general permit requirement; (4) exemption from the general permit requirement for certain exporters; (5) lowering of the $70.00 general permit fee or, in the alternative, use of varying rates based on the volume of business conducted or based on the promotion of policies underlying the Act; and (5) certain editorial changes which would clarify the application form and provide for the nontransferability of the general permit to nonpermit holders.

Specifically, one commenter suggested that the term "general permit" be called an "Agriculture protected plant dealer permit" to avoid confusion with permits issued by the United States Department of Interior (USDI) and import permits issued by Plant Protection and Quarantine (PPQ) pursuant to the Plant Quarantine Act (7 U.S.C. 151 *et seq.*). No changes are made based on this comment because the Department does not believe that the phrase "Agriculture protected plant dealer permit" is more appropriate than the phrase "general permit" for describing the kind of document being issued pursuant to § 355.11. Also, it should be noted that § 355.11 of the final rule contains a footnote which fully explains the distinction between the "general permit" required by these regulations and other permits required by USDA and USDI for the importation, exportation, or reexportation of plants.

Several commenters recommended that the general permit be combined with other permits or documents, such as the phytosanitary certificate, the import or export permit issued by USDI pursuant to 50 CFR Part 17 or 23, or the import permit issued by USDA pursuant to section 1 of the Plant Quarantine Act (7 U.S.C. 154) into one "master permit." No changes have been made in the final rule based on these comments. Each of the documents or permits mentioned above serves a unique function. The import and export permits issued by USDI reflect the status of individual plants under the Act and Convention and are required by the Act to accompany individual shipments of plants when imported, exported or reexported. Further, the phytosanitary certificate is issued only for the exportation of certain plants and plant products, is issued to accompany such plants and plant products, is issued only upon request, and is issued as certification of the pest-free status of the plant or plant product being certified. The import permit issued by USDA pursuant to the Plant Quarantine Act only concerns the importation of plants and plant products and is issued for pest control purposes. In contrast to the above mentioned permits and certificates, a general permit is intended to provide a means of monitoring activities of persons who engage in the business of importing, exporting or reexporting terrestrial plants protected by the Act or convention. Also, a general permit would not be required to accompany plants or plant products. These various permits and documents are so diverse in nature that combining them would not be useful, efficient, or effective from a regulatory perspective.

No change in the final rule has been made in response to comments recommending that the general permit requirement be deleted altogether. Regulation of persons who engage in business as an importer, exporter or reexporter of terrestrial plants is required by the Act. Specifically, section 9(d) of the Act [16 U.S.C. 1538(d)] requires, in part, that "it is unlawful for any person to engage in the business as an importer or exporter of * * * plants without first obtaining permission from the Secretary." The general permit requirement in the regulations is necessary to implement this requirement.

Some commenters recommended that the general permit requirement be exempted for exporters of American ginseng because, they asserted, the general permit requirement would duplicate a program presently occurring in the State of Wisconsin for certifying and inspecting cultivated American ginseng grown in Wisconsin. No change has been made in the final rule based on these comments. The certification and inspection program established in Wisconsin for cultivated American ginseng accompanies the ginseng and is for the purpose of certifying where the ginseng shipped from Wisconsin for export is grown. The purpose of the general permit, as stated above, is to monitor activities of persons who engage in the business of importing, exporting, or reexporting terrestrial plants protected by the Act or Convention. Also, a general permit would not be required to accompany the ginseng. The two programs are completely different and do not overlap.

Several commenters asserted that the $70.00 fee for general permits was too high for small businesses. Other commenters recommended that the fee charged for a general permit be based on volume of business or, in the alternative, based on a fee structure which would provide incentives to businesses that artificially propagate Endangered or Appendix I species.

No changes have been made in the final rule based on these comments. The alternative concerning basing a fee structure on the volume of business was considered in developing the proposal and was rejected for reasons discussed in the "Executive Order 12291" section of this document. Also, section 11(f) of the Act (16 U.S.C. 1540(f)) provides authority to "charge reasonable fees for expenses to the government connected with permits or certificates." As such, there would not be authority to charge fees based on such an incentive system. Further, the fee of $70.00 represents expenses to the Department associated with the permit. Moreover, the Department does not believe that $70.00 for a 2 year permit is too high a fee for any business to absorb.

Several comments were received recommending certain editorial changes to § 355.11 to clarify the kind of information required on the application form. Also, these comments recommended provisions be amended to state explicitly that the general permit is nontransferable and cannot be amended by any individual except an authorized individual in PPQ. These recommendations have been adopted by the Department and the following changes have been made to § 355.11 in the final rule [new language is italicized]:

(1) Section 355.11(b)(5) is changed to read "The address of all of applicant's locations, *including but not limited to the locations of nursery, growing fields, propagating beds, holding beds, and similar facilities,* where activities

relating to terrestrial plants listed in 50 CFR 17.12 or 23.23 would be conducted.";

(2) Section 355.11(b)(6) is changed to read: "A brief *and complete* description of the nature of the applicant's business as it relates to engaging in business as an importer, exporter, or reexporter of terrestrial plants listed in 50 CFR 17.12 or 23.23.";

(3) Section 355.11(h) is changed by adding a new sentence that reads *"The general permit shall not be transferred, tampered with, amended, or otherwise altered in any manner or form by any person."*

Further, based on comments that 20 days was too brief a period of time ro respond to requests for additional information, the 20 day period has been extended to 60 days in § 355.11 (e) and (f).

Comment Pertaining to "Inspections and Related Provisions" [Section 355.20 through 355.23]

Comments received concerning the Subpart captioned "Inspections and Related Provisions" both supported and criticized the regulatory inspection and validation scheme set forth in §§ 355.20 through 355.22. Many commenters noted that identification of plants listed in 50 CFR Part 17 or 23, particularly plants in the Orchidaceae family, will be very difficult to identify because there are numerous species in the family and many are similar in appearance to other wild species and to hybrids. Additional training in identification for the inspectors and hiring of additional inspectors for enforcement purposes was recommended.

Further, several growers and exporters asserted that if visual inspection was required at the ports of export for each shipment of plants to be exported, this procedure would greatly increase the cost of exporting and would greatly increase the risk that the plants would be damaged or killed because of the time delay involved in inspecting, handling, and repacking at the designated port. It was recommended by several of these commenters that the proposed regulations be modified to allow inspections used in validating documents on plants to be exported to be conducted at the premises of origin instead of at the port of export. Other commenters asserted that it was critical for enforcement purposes that validation of the import, export, or reexport documents take place at the designated ports.

In addition, other commenters recommended that: (1) the marking requirements in § 355.20(a) (1) through (6) be deleted and, in lieu thereof, require that documentation issued under the Act or the Convention be attached to the outer container of the plants together with a bill of sale or invoice listing the individual species by number, quantity, and scientific name; (2) the double wrapping concept on mailed plants was expensive and unworkable and should be deleted; (3) the requirement that plants be imported, exported, or reexported through designated ports was expensive and burdensome and should be deleted; (4) the maintaining and listing of species of plants as endangered or threatened was expensive, unnecessary, and burdensome because the "real" problem concerned the way threatened and endangered species of plants were treated in foreign countries; (5) the record keeping requirements in § 355.23 should be deleted or the time period required for holding such records reduced because of the expense and time involved in filing and maintaining such records; (6) the regulations should specify the effective date for maintaining records and that this date should correspond to the publication date of this document and (7) that persons should be required to maintain whatever records are already on file as of the effective date of these regulations for a period of time dating back to 5 years or as long as such records have been maintained. Finally, it was recommended that persons be allowed 60 rather than 20 days to fulfill requests for a written report made pursuant to § 355.23(d).

The Department recognizes the difficulty associated with identification of some species of plants protected by the Act and is providing training as needed to inspectors who are responsible for inspection and verification of plant shipments. Furthermore, additional inspections for enforcing provisions of these regulations will be hired as positions are approved and determined to be needed.

In response to comments received concerning inspection of plants to be exported at the premises of origin and requiring validation of documents at the designated ports, the Department reevaluated the proposed regulatory scheme for the export of plants. In the final rule a footnote has been added to reflect a Departmental policy that will allow inspections used in the validation of documentation on plants to be exported through designated ports to be conducted at the premises of origin under certain conditions explained below.

Specifically, the Department recognizes that requiring plants to be unpacked and inspected at the port prior to exportation from the United States in order to obtain validation of documents could put the plants under certain stresses that would not be present when conducting such inspections at a premises of origin. However, the Department has also determined that to ensure that plants are exported through designated ports and exported with proper documentation, as required by the Act, it is essential that all documentation be validated at the designated port (or, under limited circumstances as prescribed by the U,S. Department of the Interior, at nondesignated ports) prior to export. Further, except under certain limited circumstances, all of the Departmental personnel with expertise pertaining to identification of the plants and the requirements of the Act are found at the designated ports. However, the Department believes that if an inspector with the required expertise in identification is available, inspections of the plants could be conducted by such persons at the premise of origin without hampering the Department's enforcement activities if all export documents are validated at the port of export. Therefore, in the final rule a footnote (footnote 6) has been added to § 355.22(b) to explain the following policy:

It is the policy of the Department of Agriculture to allow, if inspectors are available, terrestrial plants listed in 50 CFR 17.12 or 23.23 and which are intended for export, to be inspected at the premises where such plants are grown. However, the documentation required for the export of such plants by 50 CFR 17 or 23 shall only be validated at the port of export and only when such plants are presented at the port for export together with the documents required by 50 CFR 17 or 23, and a statement signed by the inspector who inspected the plants stating that the plants are apparently eligible for exportation in accordance with the provisions of this Part and provisions of 50 CFR Chapter I relating to the Act and the Convention. Plants which have been previously inspected must be exported through a designated port (unless allowed by the U.S. Department of Interior to be exported through a nondesignated port) in order to comply with section 9 (f) of the Act [16 U.S.C. 1538 (f)]. Plants which are inspected at the premises of origin must be available at the port of export for monitoring inspections and for other inspections deemed needed for enforcement purposes, but, unless subjected to such inspections, will not need to be unpacked, inspected and repacked at the port. Information concerning the availability of inspectors to conduct inspections at the premises of origin may be obtained by calling local offices of Plant Protection and Quarantine, which are listed in telephone directories, or by writing NPPS, Plant Protection and Quarantine, Animal and

Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782.

The policy decision to allow exporters to have plants inspected at the premises of origin if inspectors are available was made because the Department believes that it is practical, efficient, and often allows for more reliable identification of the plants to allow the inspection to be conducted at the premises of origin rather than requiring the plants to be unloaded, unpacked, and inspected at the port where it may be harder to distinguish artificially propagated plants and hybrids from other species. However, the number of inspectors with the required expertise in identification of listed plants available to conduct inspections at premises of origin is limited for enforcement purposes, and the ability of an exporter to obtain the services of inspectors at the premises of origin will depend upon the availability of an inspector. Further, by retaining the requirement that all plants to be exported must be exported through a designated port for export (unless allowed by the U.S. Department of the Interior to be exported through a nondesignated port), and by requiring that all export documents be validated at the designated port of export, the Department can maintain control for enforcement purposes over the export of the plants. All inspectors who will be authorized to inspect plants at the premises of origin will be trained in requirements of the Act and in the identification of terrestrial plants protected by the Act.

Based on comments received concerning the attachment of a CITES document to the outer container of plants shipped by means other than mail, the Department has added the words "or other document" after the words "packing list" in the first sentence in § 355.20(a).

Specifically, in the proposal, § 355.20(a) provided that:

(a) Any terrestrial plant which is to be imported, exported, or reexported by means other than mail and which may be imported, exported, or reexported under 50 CFR Part 17 or 23 only if accompanied by documentation, shall at the time of importation, exportation, or reexportation plainly and correctly bear on the outer container or on a tag, invoice, or packing list accompanying the plant, the following information:

(1) Genus and species, and quantity of each (if a hybrid, genus of each parent, and quantity of each hybrid),

(2) Country and locality where collected from the wild or where produced from cultivated stock,

(3) Name and address (in the United States if exported or reexported) of shipper, owner or person shipping or forwarding the plants,

(4) Name and address (in the United States if imported) of consignee,

(5) Identifying shipper's mark and number, and

(6) Serial number and type (e.g., permit, certificate) of document issued for the importation, exportation, or reexportation of the plant.

The words "other document" were added in § 355.20(a) in the final rule after the words "packing list" to clarify the Department's intent to allow a CITES or any other pertinent document to be used to provide the information specified in § 355.20(a) (1) through (6).

No changes have been made based on comments concerning the expense or impracticality of the double wrapping requirements for mailed plants. First, requiring double wrapping and allowing plants to be mailed to designated locations for inspection and validation purposes is a procedure that has worked successfully for years for exporters who want to obtain phytosanitary export certificates for plants to be exported and who live in locations where an inspector is not available to come to the premises of origin to inspect the plants. Second, absent such provisions, the Department would have to eliminate for importers and exporters the opportunity of importing, exporting or reexporting by mail. This is certainly a less desirable policy than requiring the importer or exporter to pay postage and double wrap packages containing plants. Also, it is clearly less expensive to pay double postage on plants mailed within the United States than to ship the plants by freight, obtain an airway bill and hire a broker to represent the importer or exporter at the port for purposes of validating the documents.

No changes have been made in the final rule based on assertions that there is an undue burden on importers and exporters due to the requirement of importing, exporting or reexporting through designated ports, and that listing plants for protection under the Act is unnecessary and expensive, since these provisions in the final rule reflect activities that are required by the Act. However, it should be noted that the Act does provide for the importation, exportation and reexportation of plants at nondesignated ports under conditions prescribed by the U.S. Department of Interior. In this regard, the last sentence in footnote 5 of the final rule has been modified by adding the following language: "* * * or, under certain circumstances as determined by the U.S. Department of the Interior, at nondesignated ports" to alert the public of this exception in the Act to the requirement that all plants be imported, exported or reexported through designated ports.

The Department agrees with the comment recommending that 60, not 20, days is a reasonable amount of time to provide for fulfilling requests for information from records in § 355.23(d), and this section has been changed accordingly in the final rule. However, no other changes have been made concerning the record keeping provisions in the final rule based on comments submitted. Specifically, these record keeping provisions correspond with the provisions of section 9 of the Act (16 U.S.C. 1538) and are necessary to implement this section of the Act. The Department considered, as explained in the "Executive Order 12291" section of this document, requiring records to be kept for less than 5 years but rejected that alternative so that the regulations could correspond with the statute of limitations. Also, it should be noted that the intent of the proposal was to make the record keeping provisions effective 30 days after the publication of the final rule. No change has been made in the final rule in this regard. It is not the Department's intent to require that the record keeping provisions apply also to records that may have been kept prior to the effective date of the regulations.

Comments Pertaining to Forfeiture Procedures (Sections 355.30–355.38)

Only one comment was received pertaining to procedures for obtaining forfeiture on plants and other property seized under the Act. That comment asserted that it was the responsibility of USDA not USDI to dispose of forfeited property under the Act. No changes have been made based on this comment. The provisions of the Act and the Convention designate USDI as the agency entrusted with disposition of forfeited property.

This document modifies the forfeiture provisions found in §§ 355.30 through 355.38 of the proposed rule, however, in a nonsubstantive manner. Specifically, the final rule renumbers §§ 355.30 through 355.38 as §§ 356.1 through 356.7, and recaptions "Subpart—Procedures relating to forfeiture" as "Part 356—Forfeiture Procedures." These changes are editorial in nature and are being made so that PPQ can, if determined pertinent, use the rules of procedure for obtaining forfeiture in Part 356 for articles seized under other authority.

Miscellaneous

In addition to the changes discussed above, certain other nonsubstantive changes have been made in the final rule for editorial purposes.

Companion Rulemaking Document

It should be noted that the U.S. Department of the Interior is publishing a companion document in the Final Rule section of this issue of the Federal Register which relates to the enforcement regulations in this document. This document is captioned "Designated Ports" and amends 50 CFR Part 24 by listing those locations designated by the Secretary of the Interior pursuant to section 9 of the Act (16 U.S.C. 1538) as ports for the importation, exportation, or reexportation of terrestrial plants.

As mentioned above, the Act provides that plants must be imported, exported, or reexported only at designated ports or under certain limited circumstances at nondesignated ports.

The regulations in this document closely interrelate and must be read in conjunction with the USDI regulations in 50 CFR Chapter I. Specifically, the USDI regulations in 50 CFR 17.12 list those species of plants determined by USDI to be endangered or threatened or similar in appearance to endangered or threatened species under the Act, and in 50 CFR 23.23 list the species of plants and plant parts and derivatives protected under the Act because they are listed in Appendices I, II, and III of the Convention. Also, USDI, regulations in 50 CFR Parts 17 and 23 provide that certain plants listed in 50 CFR 17.12 or 23.23 may not be imported, exported, or reexported without a certificate, permit, or other documentation.

Executive Order 12291

This rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the USDA, it has been determined that this rule would not have a significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In developing this rule several alternatives were considered and rejected. These alternatives are discussed below.

Under sections 3(15) and 9(b) of the Act (16 U.S.C. 1532(15) and 1538(d)), any person who wishes to engage in business as an importer, exporter, or reexporter of terrestrial plants is required to obtain permission from the Secretary of Agriculture prior to engaging in such business. In accordance with these provisions, the rule provides that such person who wishes to engage in the business of importing, exporting, or reexporting terrestrial plants listed in 50 CFR 17.12 or 23.23, must obtain a general permit prior to engaging in such business. The rule further provides that any person engaged in the business of importing, exporting, or reexporting only nonlisted terrestrial plants is granted permission to engage in such business by a general statement set forth in this rule without any further action on the part of such person or the government.

Consideration was given concerning whether (1) to grant blanket permission by regulation to allow any person engaged in the business of importing, exporting, or reexporting terrestrial plants to conduct such activities, (2) to require any person engaged in the business of importing, exporting, or reexporting terrestrial plants to obtain a general permit prior to engaging in such business, or (3) to require only those persons engaged in the business of importing, exporting, or reexporting terrestrial plants listed in 50 CFR 17.12 or 23.23 to obtain a general permit prior to engaging in such business. Alternative (3) was adopted. The general permit system is for the purpose of identifying those persons who for gain or profit would import, export, or reexport terrestrial plants listed in 50 CFR 17.12 or 23.23 of the U.S. Department of the Interior's regulations, and to gather information from such persons for enforcement purposes under the Act. The decision to gather such information only on those persons who for gain or profit import, export, or reexport terrestrial plants protected under the Act is consistent with the congressional intent behind section 9(d) of the Act. It was determined that the Department could not gather the information required by the Act if it adopted alternative (1), because there would be no reporting requirements imposed on anyone; and that alternative (2) would place an unnecessary reporting requirement on persons who do not import, export, or reexport listed terrestrial plants and whom the Department has determined is not necessary to regulate for purposes of enforcing the import, export and reexport provisions of the Act.

The rule provides that the cost of appyling for a general permit would be $70 per applicant. Under the rule, such a general permit must be obtained by (four months of the effective date of this document) or prior to engaging in business and would be valid for two years. It is estimated that approximately 1,400 persons will apply for a general permit during the first two year period after the publication of these regulations. Based on this number of applications, it was determined that it was necessary to charge $70 for each application to cover the cost to USDA involved for processing such applications and to conduct a sufficient amount of inspections to assure the accuracy of the information provided in the general permit applications. The Department determined that in addition to the $70 application fee (per applicant) it would cost the affected industry a total of approximately $14,000 over each two year period to prepare general permit applications. Accordingly, it is estimated that the total cost to the affected industry for preparing and obtaining the general permit for each two year period would be approximately $112,000.

Consideration was given concerning whether (1) to charge the same fee for a general permit for any person who engages in business as an importer, exporter, or reexporter of listed terrestrial plants, or (2) to charge different fees based on volume of business. Alternative (1) was adopted. The $70 fee is based on projected costs for processing applications and conducting inspections. Regardless of the volume of a particular business, the cost to the Department for issuing the general permits and gathering information on a business activity would not vary significantly from business to business. Further $70 is not considered a significant cost, even for small businesses, especially for a permit valid for a two year period, and, therefore, prorating the permit fee based on the size of the business was not warranted.

The rule further provides that a general permit would be valid for 2 years unless suspended or revoked pursuant to specified criteria and that a new application must be submitted for the renewal of a general permit. Consideration was given concerning whether a geneal permit (1) would be valid for 2 years or (2) would be valid for a longer time period. Alternative (1) was adopted. Consideration was also given concerning whether (1) information contained in the general permit should be required to be updated as changes occur or (2) such information should be required to be updated at the time of application for renewal of a general permit. Alternative (2) was adopted. These alternatives were chosen because it was determined that

these alternatives provide the most effective method for assuring that the information necessary to obtain a general permit would be updated on a regular basis. Based on experience with other programs, it has been difficult to gain compliance with requests to update information as changes occur. Further, the 2 year period provides a reasonable balance between the need to obtain current information and the need to limit the amount of paperwork imposed on persons required to obtain such a general permit.

The rule also provides for administrative forfeiture proceedings. Under section 11(e) of the Act (16 U.S.C. 1540(e)) USDA is responsible for implementing forfeiture proceedings in accordance with the provisions of 19 U.S.C. 1602 *et seq.* against any property which is seized under the Act, is in possession of USDA, and is subject to forfeiture because of illegal activities pertaining to the importation, exportation, or reexportation of terrestrial plants. Under the provisions of 19 U.S.C. 1607, a notice of seizure of property and the intention to forfeit such property shall be published for at least three successive weeks in such manner as the Secretary of Agriculture or his delegate may direct. In this connection, consideration was given concerning whether (1) to require such publication to the accomplished by including the notice in newspaper or (2) to require such publication to be accomplished by posting the notice in a conspicuous place accessible to the public at the PPQ office nearest the place of seizure. Alternative (2) was adopted because of a determination made that persons importing, exporting, or reexporting plants would more likely check with PPQ officials concerning the whereabouts and status of plants and other related property rather than search for such information in newspapers.

The rule contains additional provisions that must be required to be met by importers, exporters, or reexporters of protected terrestrial plants. These provisions pertain to marking and notification for such plants moved by means other than mail; marking and mailing for such plants moved by mail; validation; and recordkeeping, access and reports. Most of the marking information is already provided on accompanying documents such as tags, invoices, or packing lists. Also, most affected importers, exporters, and reexporters already maintain a substantial portion of the recordkeeping information that is required to be maintained by the rule. It does not appear that any of these provisions will cause a significant increase in costs, except that it is estimated that is will cost the affected industry approximately $72,000 per year to provide additional representation at ports to assure that the proposed notification, inspection and validation requirements are met.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Based on information compiled by the Department, it is estimated that the overall annual economic impact from this action would be approximately $128,000. Further, based on this information, it is estimated that this economic impact would be shared by approximately 1,400 small entities that would be directly affected by this action, and would relate to approximately 10,000,000 plants imported or exported annually by such entities. The retail selling price of each of these plants ranges from approximately $1.50 to thousands of dollars.

Paperwork Reduction Act

In accordance with section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the information collection provisions that are included in this rule were approved by the Office of Management and Budget on November 21, 1983, under control number 0579–0076.

List of Subjects

7 CFR Part 355

Imports, Exports, Plants (agriculture), Environmental protection, Endangered and threatened species.

7 CFR Part 356

Imports, Exports, Plants (agriculture), Environmental protection, Civil forfeiture, Endangered and threatened species.

Under the circumstances referred to above, this document amends 7 CFR Chapter III by adding new Part 355 and new Part 356 to read as follows:

PART 355—ENDANGERED SPECIES REGULATIONS CONCERNING TERRESTRIAL PLANTS[1,2]

Subpart—Purpose and Definitions

Sec.

355.1 Purpose.
355.2 Definitions.

Subpart—Permission to Engage in Business

355.10 Permission to engage in business concerning nonlisted terrestrial plants.
355.11 General Permits.

Subpart—Inspections and Related Provisions

355.20 Marking and notification requirements for plants imported, exported, or reexported by means other than mail.
355.21 Marking and mailing requirements for plants imported, exported, or reexported by mail.
355.22 Validation of documentation.
355.23 Recordkeeping, access, and reports.

Authority: Sections 3, 4, 9, and 11, as amended; 87 Stat. 885, 886, 893, and 897, as amended (16 U.S.C. 1532, 1538, and 1540); 7 CFR 2.17, 2.51, 371.2.

Subpart—Purpose and Definitions

§ 355.1 Purpose.

Pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Secretary is responsible for the enforcement of the provisions of the Act and Convention which pertain to the importation, exportation, or reexportation of terrestrial plants. The regulations in this Part are for the purpose of implementing this authority. Regulations of the U.S. Department of the Interior which interrelate with the regulations in this Part are contained in 50 CFR Chapter I.

§ 355.2 Definitions.

Terms used in the singular form in this Part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when

[1] Pursuant to section 11 of the Act (16 U.S.C. 1540) it is unlawful for any person to knowingly violate any provision of the Act, any permit or certificate issued under the Act, or any regulation promulgated under the Act. Further, section 11 of the Act provides for criminal, civil, and administrative penalties for any such violation.

[2] Plant Protection and Quarantine also administers programs under the Lacey Act Amendments of 1981 (16 U.S.C. 3401 *et seq.*), the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*) which contain authority for additional prohibitions and restrictions on the importation of plants subject to this Part (see other parts of 7 CFR Chapter III for regulations containing prohibitions and restrictions under these authorities).

used in this Part, shall be construed, respectively, to mean:

Act. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Convention. The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, 27 U.S.T. 1087, signed on March 3, 1973, and the Appendices thereto.

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

Engage in business as an importer, exporter, or reexporter of terrestrial plants. To import, export, or reexport terrestrial plants for the purpose of selling, bartering, collecting, or otherwise exchanging or acquiring the plants as a livelihood or enterprise engaged in for gain or profit. This term shall not include persons engaged in business merely as carriers or customhouse brokers.

Export (exported, exporting, exportation). To carry, send, take, transport or otherwise remove, or to attempt to carry, send, take, transport or otherwise remove from any place subject to the jurisdiction of the United States.

Import (imported, importing, importation). To land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the Act and Convention, and regulations promulgated thereunder.

Person. Any individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof or of any foreign government.

Plant. Any member of the plant kingdom, including seeds, roots and other parts thereof.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Act and Convention, and regulations promulgated thereunder.

Reexport (reexported, reexportation). To export following importation.

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his or her stead has been or may hereafter be delegated.

Terrestrial plants. Any plants (including epiphytic plants), except marine plants.

Validation. An original stamp, signature, and date of inspection placed upon documentation required by 50 CFR Part 17 or Part 23 by an inspector at the port where the terrestrial plants are to be imported, exported or reexported.

United States. Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the U.S. Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

Subpart—Permission to Engage in Business

§ 355.10 Permission to engage in business concerning nonlisted terrestrial plants.

The Secretary hereby grants permission for any person engaged in business as an importer, exporter, or reexporter of terrestrial plants, other than terrestrial plants listed in 50 CFR 17.12 or 23.23, to engage in such business without a general permit issued under § 355.11.

§ 355.11 General Permits.[3]

(a) On or after March 26, 1985 no person shall engage in business as an importer, exporter, or reexporter of any terrestrial plants listed in 50 CFR 17.12 or 23.23 unless such person has obtained a general permit for engaging in such business from Plant Protection and Quarantine.

(b) An application for a general permit shall be submitted to Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782. The completed application shall include the following information:[4]

(1) Date of application;

(2) Applicant's name, mailing address, and telephone number;

(3) If the applicant is an individual, the business affiliation, if any, having to do with the importation, exportation, or reexportation of terrestrial plants listed in 50 CFR 17.12 or 23.23;

(4) If the applicant is in the name of a business or if the applicant is affiliated with a business which imports, exports, or reexports terrestrial plants listed in 50 CFR 17.12 or 23.23, the form of the business, e.g., corporation, firm, partnership; and the name and address of each partner, officer, director, holder, and owner of 10 percent or more of the voting stock, and employee in a managerial or executive capacity;

(5) The address of all applicants' business locations, including but not limited to locations of nurseries, growing fields, propagating beds, holding beds and similiar facilities where activities relating to terrestrial plants listed in 50 CFR 17.12 or 23.23 would be conducted;

(6) A brief and complete description of the nature of the applicant's business as it relates to engaging in business as an importer, exporter, or reexporter of terrestrial plants listed in 50 CFR 17.12 or 23.23;

(7) Any address where books or records concerning the importation, exportation, or reexportation of terrestrial plants listed in 50 CFR 17.12 or 23.23 would be kept;

(8) Name, address, and telephone number of the person authorized to make records or plant inventories available for examination by inspectors or other duly authorized representatives of the Secretary; and

(9) Certification by signature of the applicant (must be a partner or officer if the applicant is a business) after the following language: "I hereby certify that the information in this application is complete and accurate to the best of my knowledge and belief."

(c) Each application for a general permit must be accompanied by a check or money order for $70 made payable to Plant Protection and Quarantine. The fee shall not be refunded if the application is denied or abandoned.

(d) After receipt and review of the application by Plant Protection and

[3] This permit is named a "general permit" in order to avoid confusion with "permits" obtained under the Act from the U.S. Department of the Interior to accompany the importation, exportation, or reexportation of plants under U.S. Department of the Interior regulations, and to avoid confusion with "permits" obtained from Plant Protection and Quarantine for the importation of plants under the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*) and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*).

[4] Application forms are available without charge from Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, or from local offices at any of the ports designated in 50 CFR Part 24. Telephone numbers and addresses of local offices are listed in telephone directories.

Quarantine, a general permit for the importation, exportation, and reexportation of terrestrial plants listed in 50 CFR 17.12 or 23.23 shall be issued if the applicant has submitted an application containing all information requested in paragraph (b) of this section, if the applicant has paid the fee in accordance with paragraph (c) of this section, and if a general permit of the applicant or anyone responsibly connected with the business of the applicant has not been and is not denied, suspended or revoked pursuant to paragraph (i) of this section.

(e) The applicant shall be notified in writing by Plant Protection and Quarantine of the approval or denial of any request for a general permit. If a general permit is denied, the notification shall state the reasons therefor. If a general permit is denied, the applicant may request a hearing pursuant to paragraph (i)(1) of this section and may submit to Plant Protection and Quarantine, in writing, reasons why the permit should not have been denied. Such submissions of the applicant shall not be considered a new application if submitted within 60 days following the receipt of notification of the denial by the applicant.

(f) Upon receipt of an incomplete or improperly executed application, the applicant shall be notified by Plant Protection and Quarantine of the deficiency of the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the receipt of the notification by the applicant, the application shall be considered abandoned.

(g) Upon receipt of an application filed with an insufficient fee, or without a fee, the application and any fee submitted will be returned to the applicant.

(h) A general permit shall be valid for 2 years from the date of issuance unless suspended or revoked pursuant to paragraph (i) of this section. A new application must be submitted for the renewal of the general permit. A general permit shall not be transferred, tampered with, amended or otherwise altered in any manner or form by any person.

(i)(1) Any application for a general permit may be denied and any general permit which has been issued may be suspended or revoked for a time specified by the Deputy Administrator for any of the reasons provided in paragraph (i)(2) of this section. Before such action is taken, the applicant or permittee will be informed of the reasons for the proposed action, and upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action, in accordance with rules of practice which shall be adopted for the proceeding. However, such denial, suspension or revocation may become effective pending final determination in the proceeding, if the permittee has been convicted or a criminal violation of the Act, or of any regulation, permit, or certificate issued under the Act. Such denial, suspension or revocation shall be effective upon oral or written notification, whichever is earlier, to the permittee. In the event of oral notification of the denial, suspension or revocation, written confirmation shall be given to the permittee as promptly as circumstances allow. This denial, suspension or revocation shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Deputy Administrator.

(2) An application for a general permit may be denied and any general permit which has been issued may be suspended or revoked if:

(A) Any requirement of this subpart is not complied with, or

(B) The applicant, permittee, or a person responsibly connected with the business of the applicant or permittee has been criminally convicted or had a civil penalty imposed for a violation of the Act or of any regulation, permit, or certificate issued under the Act, or

(C) The applicant, permittee, or a person responsibly connected with the business of the applicant or permittee has been convicted of any crime involving fraud, bribery, extortion, or any other crime involving a lack of integrity needed for the conduct of operations concerning the importation, exportation, or reexportation of terrestrial plants listed in 50 CFR 17.12 or 23.23.

(3) For the purposes of this section, a person shall be deemed to be responsibly connected with the business of the applicant or permittee if the person is a partner, officer, director, holder, or owner of 10 percent or more or its voting stock, or an employee in a managerial or executive capacity.

(The information collection provisions included in this section were approved by the Office of Management and Budget under control number 0579-0076)

Subpart—Inspections and Related Provisions

§ 355.20 Marketing and notification requirements for plants imported, exported, or reexported by means other than mail. [5]

(a) Any terrestrial plant which is to be imported, exported, or reexported by means other than mail and which may be imported, exported, or reexported under 50 CFR Part 17 or 23 only if accompanied by documentation, shall at the time of importation, exportation, or reexportation plainly and correctly bear on the outer container or on a tag, invoice, packing list, or other document accompanying the plant, the following information:

(1) Genus and species, and quantity of each (if a hybrid, genus of each parent, and quantity of each hybrid),

(2) Country and locality where collected from the wild or where produced from cultivated stock,

(3) Name and address (in the United States if exported or reexported) of shipper, owner or person shipping or forwarding the plants,

(4) Name and address (in the United States if imported) of consignee,

(5) Identifying shipper's mark and number, and

(6) Serial number and type (e.g., permit, certificate) of document issued for the importation, exportation, or reexportation of the plant.

(b) Promptly upon arrival at a port of import (listed in 50 CFR Part 24, or, if allowed by the U.S. Department of the Interior, at a nondesignated port) of any terrestrial plant which is imported by means other than mail and which may be imported under 50 CFR Part 17 or 23 only if accompanied by documentation, the importer shall notify Plant Protection and Quarantine of the arrival and of the genus and species of the plant by such means as a manifest, Customs entry document, commercial invoice, waybill, broker's document, or notice form provided for that purpose.

(c) Prior to the exportation or

[5] Certain terrestrial plants listed in Appendices I, II, or III of the Convention or determined by the U.S. Department of the Interior to be endangered or threatened or similar in appearance to endangered or threatened species are required to be accompanied by documentation at the time of importation, exportation, or reexportation (see 50 CFR Chapter I). Plants are allowed to be imported, exported or reexported only at ports authorized for such purposes by the U.S. Department of the Interior, or, under certain circumstances as determined by the U.S. Department of the Interior, at nondesignated ports, pursuant to section 9(f) of the Act (16 U.S.C. 1538(f)). (see 50 CFR Part 24 for a list of designated ports.)

reexportation of any terrestrial plant which is to be exported or reexported by other than mail and which may be exported or reexported under 50 CFR Part 17 or 23 only if accompanied by documentation, the exporter or reexporter shall notify Plant Protection and Quarantine of the intended exportation or reexportation and of the genus and species of the plant by such means as a manifest, commercial invoice, waybill, broker's document, or notice form provided for that purpose.

(The information collection provisions in this section were approved by the Office of Budget and Management under control number 0579–0076)

§ 355.21 Marking and mailing requirements for plants imported, exported, or reexported by mail.[5]

(a) Any terrestrial plant which is to be imported by mail and which may be imported under 50 CFR Part 17 or 23 only if accompanied by documentation, shall be mailed to Plant Protection and Quarantine (at a port authorized for such purpose by the U.S. Department of the Interior in 50 CFR Part 24 pursuant to section 9(f) of the Act (16 U.S.C. 1538 (f))); and shall be accompanied by a separate sheet of paper within the package plainly and correctly bearing the name, address, and telephone number of the intended recipient in the United States; and shall plainly and correctly bear on the outer container the following information:

(1) Genus and species, and quantity of each (if a hybrid, genus of each parent, and quantity of each hybrid),

(2) Country and locality where collected from the wild or where produced from cultivated stock,

(3) Name and address of shipper, owner, or person shipping or forwarding the plants, and

(4) Serial number and type (e.g. permit, certificate) of document issued for the importation of the plant.

(b) Any terrestrial plant which is to be exported or reexported by mail and which may be exported or reexported under 50 CFR 17 or 23 only if accompanied by documentation, shall be mailed to Plant Protection and Quarantine (at a port authorized for such purpose by the U.S. Department of the Interior in 50 CFR Part 24 pursuant to section 9(f) of the Act (16 U.S.C. 1538(f))); shall be wrapped in double wrapping, with an unsealed inner wrapping addressed to the foreign recipient and bearing sufficient postage for mailing to the foreign destination; shall be accompanied by a separate sheet of paper within the package plainly and correctly bearing the following information:

(1) Genus and species, and quantity of each (if a hybrid, genus of each parent, and quantity of each hybrid),

(2) Country and locality where collected from the wild or where produced from cultivated stock,

(3) Name and address in the United States of shipper, owner, or person shipping or forwarding the plants, and

(4) Serial number and type (e.g. permit, certificate) of document issued for the exportation or reexportation of the plant.

(The information collection requirements in this section were approved by the Office of Budget and Management under control number 0579–0076.)

§ 355.22 Validation of documentation.

(a) Documentation for any mailed or nonmailed terrestrial plant which is required to have documentation under 50 CFR Part 17 or 23 at the time of importation, must be validated by an inspector prior to movement of such plant from the Customs inspection area at the port of entry. The original documentation must be surrendered to the inspector at the time of validation.

(b) Documentation for any mailed or nonmailed terrestrial plant which is listed in 50 CFR 17.12 or 23.23 and which is required to have documentation under 50 CFR 17 or 23 at the time of exportation or reexportation, must be validated at the port of export or reexport by an inspector prior to the exportation or reexportation of such plant.[6] The original and one copy of the documentation must be submitted for validation, and the copy must be surrendered to the inspector at the time of validation.

(c) Documentation for a plant shall be validated under this section upon endorsement of the documentation by an inspector when he or she determines that the plant was apparently eligible for importation, exportation, or reexportation in accordance with the provisions of this Part and the provisions of 50 CFR Chapter I relating to the Act and Convention.

(d) To obtain validation of documentation, the importer, exporter, or reexporter, or agent thereof, shall make available to an inspector:

(1) All shipping documents (including bills of lading, waybills, packing lists, and invoices);

(2) All documents required by the Act and Convention; and

(3) The plant being imported, exported, or reexported.

(The information collection requirements in this section were approved by the Office of Budget and Management under control number 0579–0076)

§ 355.23 Recordkeeping, access, and reports.

(a) Any person engaged in business as an importer, exporter, or reexporter of terrestrial plants listed in 50 CFR Part 17 or 23 shall keep such records as will fully and correctly disclose each importation, exportation, or reexportation of terrestrial plants made by such person and the subsequent disposition made by such person of the plants. Such records shall include shipping documents for each shipment of plants imported, exported, or reexported; a description of the form of the plants (such as whole live plants, cuttings, seeds, or other specific parts or derivatives of plants); the scientific and common names of the plants; the country or place of origin of the plants; the date and place of importation, exportation, or reexportation of the plants; the number (weight if the plants cannot be quantified by number) and specific location of plants; the date and means of subsequent disposition of the plants, whether by sale, barter, consignment, loan, delivery, destruction, or other means; and names and addresses of persons to whom the plants were disposed, if applicable.

(b) Every record required to be kept under this section shall be kept for a period of 5 years after the occurrence of the transactions to which the records relate, and for such further time as the Deputy Administrator may require by written notice to the person required to

[6] It is the policy of the Department of Agriculture to allow, if inspectors are available, terrestrial plants listed in 50 CFR 17.12 or 23.23 which are intended for export to be inspected at the premises where such plants are grown. However, the documentation required for the export of such plants by 50 CFR 17 or 23 shall only be validated at the port of export and only when such plants are presented at the port for export together with the documents required by 50 CFR 17 or 23 and a certified statement by the inspector who inspected the plants that the plants are apparently eligible for exportation in accordance with the provisions of this Part and provisions of 50 CFR Chapter 1 relating to the Act and Convention. Plants which have been previously inspected must be exported through a designated port (unless allowed by the United States Department of the Interior to be exported through a nondesignated port) in order to comply with section 9(f) of the Act [16 U.S.C. 1538(f)]. Plants which are inspected at the premises of origin must be available at the port of export for monitoring inspections and for other inspections deemed need for enforcement purposes, but, unless so inspected, will not need to be unpacked, inspected and repacked at the port. Information concerning the availability of inspectors to conduct inspections at the premise of origin may be obtained by calling local offices of Plant Protection and Quarantine, which are listed in telephone directories, or by writing NPPS, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782.

keep such records under this part for purposes of any investigation, litigation, or other proceeding under the Act or this Part.

(c) Any person engaged in business as an importer, exporter, or reexporter of terrestrial plants listed in 50 CFR Part 17 or 23 shall, upon presentation of credentials by an inspector or duly authorized representatives of the Secretary; during ordinary business hours of the person given notice, afford such inspector access to the person's place of business, the opportunity to examine the person's inventory of plants and the records required to be kept under paragraph (a) of this section, and the opportunity to copy such records. The use of a room, table, or other facilities (other than reproduction equipment) necessary for examination and copying of records and for such examination of inventory shall be afforded such inspector.

(d) Any person engaged in business as an importer, exporter, or reexporter of terrestrial plants listed in 50 CFR Part 17 or 23, upon written request by the Deputy Administrator, shall submit within 60 days of such request, a report concerning any of the information required to be maintained under paragraphs (a) and (b) of this section.

(The information collection requirements in this section were approved by the Office of Budget and Management under control number 0579-0076)

PART 356—FORFEITURE PROCEDURES

Sec.

356.1 Property subject to forfeiture procedures.
356.2 Appraisement.
356.3 Property valued at greater than $10,000: Notice of seizure and civil action to obtain forfeiture.
356.4 Property valued at $10,000 or less: Notice of seizure and administrative action to obtain forfeiture.
356.5 Bonded release
356.6 Storage of property.
356.7 Petition for remission or mitigation of forfeiture.
356.8 Return procedure.
356.9 Filing of document.

Authority. Sec. 11, as amended; 87 Stat. 897, as amended (16 U.S.C. 1540); 7 CFR 2.17, 2.51, 371.2.

§ 356.1 Property Subject to Forfeiture Procedures.

This subpart sets forth procedures relating to forfeitures for any plants, equipment, means of conveyance or other property[1] seized under the Endangered Species Act ("Act"; 16 U.S.C. 1531 et seq.) that are in possession (actual or constructive) of the United States Department of Agriculture, and subject to forfeiture under the Act because of activities pertaining to the importation, exportation, or reexportation of plants.

§ 356.2 Appraisement.

Promptly following the seizure or other receipt of property specified in § 356.1, the Deputy Administrator shall determine the retail value of such property in the same quantity or quantities as seized. If the property may lawfully be sold in the United States, the value thereof shall be determined by ascertaining the price at which the property or similar property in the ordinary course of trade is freely offered for sale at the time of appraisement, and at a principal market as close as possible to the place of appraisement. If the property may not lawfully be sold in the United States, the value thereof shall be determined by other reasonable means.

§ 356.3 Property valued at greater than $10,000; notice of seizure and civil action to obtain forfeiture.

Promptly following the seizures or other receipt of any property specified in § 356.1 and determined under § 356.2 to have a value greater than $10,000, the Deputy Administrator shall mail a notice of seizure by registered or certified mail to the current or last known or reasonable ascertainable address, return receipt requested, to persons known or reasonably ascertained to be the owner or agent of the seized property and to any other person having an interest in the property. Such notice shall describe the seized property, shall state the time, date, place, and reason for the seizure, that there is a right to petition for remission or mitigation of forfeiture pursuant to § 356.7, and shall state that action shall be taken in accordance with this part. Promptly following the seizure of such property, the Secretary shall also submit a report concerning such property to the United States Attorney for the district in which the seizure was made for institution of forfeiture proceedings in the United States District Court. The report shall provide a statement of all the relevant facts and circumstances of the case, including the names of the witnesses, and a citation to the laws believed to have been violated and on which reliance may be had for forfeiture.

§ 356.4 Property valued at $10,000 or less; notice of seizure administrative action to obtain forfeiture.

(a) *When authorized.* The Secretary shall take measures to obtain forfeiture in accordance with this section of any property specified in § 356.1 and determined under § 356.2 to have a value of $10,000 or less.

(b) *Waiver of forfeiture procedures by owner of seized property.* A person claiming to be an owner or to have an interest in any property specified in § 356.1 with a value of $10,000 or less may waive any rights to any procedures relating to forfeiture under this subpart by signing a statement providing for waiver of such rights. (1) The Deputy Administrator shall publish a copy of the notice of seizure and proposed forfeiture as provided in paragraph (c)(1) by posting for 21 days in a conspicuous place accessible to the public at the Plant Protection and Quarantine Enforcement office nearest the place of seizure. The time and date of posting shall be indicated on the notice. (2) Upon the execution of such statement and following publication of the notice for 21 days as provided in paragraph (c)(1), any interest in such property by such owner shall become forfeited under the Act without further action under this subpart, and the Deputy Administrator shall not be required to send such owner any notices or declarations otherwise required by this subpart.

(c) *Procedure absent waiver of forfeiture procedures by owner.*

(1) Notice of seizure and proposed forfeiture. Promptly following seizure of property, the Deputy Administrator shall issue a notice of seizure and proposed forfeiture. The notice shall be in substantially the same form as a complaint for forfeiture filed in the United States District Court. The notice shall describe the seized property, including any identification numbers, such as the license, registration, motor, and serial numbers for a motor vehicle. The notice shall state the time, date, and place of seizure; the reason for seizure; and shall specify the value of the property as determined under § 356.2. The notice shall contain specific reference to the provisions of the Act, permit, certificate, or regulations allegedly violated and under which the property is subject to forfeiture. The notice shall state that any person desiring to claim the property must file a claim and a bond in accordance with paragraph (c)(2) of this section, and shall state that if a proper claim and

[1] Under section 11(e)(4) of the Endangered Species Act ("Act"; 16 U.S.C. 1540(e)(4)) any such equipment and means of conveyance would be subject to forfeiture upon conviction of a criminal violation pursuant to section 11(b)(1) of the Act (16 U.S.C. 1540(b)(1)); however, such a plant may be subject to forfeiture regardless of whether a criminal conviction is obtained.

bond are not received by the specified office within the time prescribed by such paragraph, the property will be declared forfeited to the United States and disposed of according to law. The notice shall also advise interested persons of their right to file a petition for remission or mitigation of forfeiture in accordance with § 356.7.

(i) Promptly following the seizure. The Deputy Administrator shall mail a copy of the notice by registered or certified mail, return receipt requested, to persons known or reasonably ascertained to be the owner or agent of the seized property, and to any other person having an interest in the property, if such owner or agent or other person and their address is known or reasonably ascertainable.

(ii) *Publication.* Promptly following the seizure, the Deputy Administrator shall publish a copy of the notice by posting for 21 days in a conspicuous place accessible to the public at the Plant Protection and Quarantine enforcement office nearest the place of seizure. The time and date of posting shall be indicated on the notice.

(2) *Filing a claim and bond.* Upon issuance of the notice of proposed forfeiture, any person claiming ownership of or other interest in the seized property may file with the office specified in the notice a claim to the property and a bond in the amount of $250, with sureties to be approved by the Deputy Administrator, conditioned that in case of condemnation of the articles so claimed, the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation. Any claim and bond must be received in such office within 20 days after posting of the notice of proposed forfeiture, and shall state claimant's interest in the property. The Deputy Administrator may extend the 20 day period with an appropriate statement on the posted notice of proposed forfeiture, if necessary, to allow a person deemed to have an interest in the property at least 10 days to file such a claim and bond after receipt of a notice of proposed forfeiture. The bond shall be on a United States Customs Form 4615 or on a similar form provided by Plant Protection and Quarantine. There shall be endorsed on the bond a list or schedule in substantially the following form which shall be signed by the claimant in the presence of the witnesses to the bond, and attested by the witnesses:

List or schedule containing a description of seized articles, claim for which is covered by the bond:

The foregoing list is correct.

Claimant

Attest:

The claim and bond referred to in the paragraph shall not entitle the claimant or any other person to possession of the property.

(3) *Transmittal to United States Attorney.* As soon as practicable after timely receipt by the specified office of a proper claim and bond in accordance with paragraph (c)(2) of this section, the Secretary shall transmit such claim, bond (with a duplicate list and description of the articles seized), and a report as described in § 356.3 to the United States Attorney for the district in which seizure was made for forfeiture proceedings in the United States District Court.

(d) *Summary forfeiture.* If a proper claim and bond are not received by the specified office within the time periods as specified in paragraph (c)(2) of this section, the property shall be forfeited and the Deputy Administrator shall prepare a declaration of forfeiture. The declaration of forfeiture shall be in writing, and the Deputy Administrator shall send such declaration by registered or certified mail, return receipt requested, to each person whose whereabouts and prior interests in the seized property are known or reasonably ascertainable. The declaration shall be in substantially the same form as a default judgment of forfeiture entered in United States District Court. The declaration shall describe the property and state the time, date, place, and reason for its seizure. The declaration shall identify the notice of proposed forfeiture, describing the dates and manner of publication of the notice and any efforts made to serve the notice personally or by mail. The declaration shall state that in response to the notice a proper claim and bond were not timely received by the proper office from any claimant, and that, therefore, all potential claimants are deemed to admit the truth of the allegations of the notice. The declaration shall conclude with an order of condemnation and forfeiture of the property to the United States for disposition according to law.

(The information collection requirements in this section were approved by the Office of Budget and Management under control number 0579-0076.)

§ 356.5 Bonded release.

(a) The Deputy Administrator may accept a bond or other security, in the amount of the value of the property as determined under § 356.3, in place of any property specified in § 356.1 and release the property to the owner or agent of the property, if such action would not frustrate the purposes of the Act and Convention. As an example, this section does not allow the release of terrestrial plants that are without documentation required under 50 CFR Chapter 1.

(b) Any request for the return of property based on the acceptance of a bond or other security shall be submitted in writing to the Deputy Administrator. The request shall include evidence to establish that the person making the request is the sole owner of the property referred to in the request or is the agent of the sole owner of such property. A response in writing, granting or denying the request, and the reasons therefor, shall be sent to the person making the request.

§ 356.6 Storage of property.

Following the seizure or other receipt of any property specified in § 356.1 and valued at $10,000 or less, the property shall remain in the custody of the Deputy Administrator pending disposition. Pending such disposition, the property shall be stored in such place, as, in the opinion of the Deputy Administrator, is most convenient and appropriate with due regard to the expense involved, whether or not the place of storage is within the judicial district in which the property was seized.

§ 356.7 Petition for remission or mitigation of forfeiture.

(a) Any person who has an interest in any property specified in § 356.1 and valued at $10,000 or less, or any person who has incurred or is alleged to have incurred a forfeiture of any such property, may file with the Deputy Administrator a petition for remission or mitigation of forfeiture while the property is in the custody of the Deputy Administrator.

(b) A petition filed with the Deputy Administrator need not be in any particular form, but must contain the following:

(1) A description of the property;

(2) The time, date, and place of seizure;

(3) Evidence of the petitioner's interest in the property such as contracts, bills of sale, invoices, security interests, certificates of title; and

(4) A statement of all facts and circumstances relied upon by the petitioners to justify remission or mitigation of the forfeiture.

(c) The petition shall be signed by the petitioner or the petitioner's attorney at law. If the petitioner is a business, the petition must be signed by a partner, officer, or petitioner's attorney at law.

(d) Upon receiving the petition, the Deputy Administrator shall decide whether or not to grant relief. In making a decision, the Deputy Administrator shall consider the information submitted by the petitioner, as well as any other available information relating to the matter, and may require that testimony be taken concerning the petition.

(e) If the Deputy Administrator finds that the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law or finds the existence of such mitigating circumstances as to justify remission or mitigation of the forfeiture or alleged forfeiture, the Deputy Administrator may remit or mitigate the same upon terms and conditions as he deems reasonable and just. However, remission or mitigation will not be made if such action would frustrate the purposes of the Act or Convention. As an example, this section does not allow remission or mitigation with respect to terrestrial plants that are without documentation required under 50 CFR Chapter I.

(f) The Deputy Administrator shall notify the petitioner in writing concerning whether the petition was granted or denied, and shall state the reasons therefor. If the petition is denied fully or in part, the petitioner may then file a supplemental petition, but no supplemental petition shall be considered unless it is received within 60 days from the date of the Deputy Administrator's notification concerning the original petition. The Deputy Administrator shall notify the petitioner in writing concerning the action taken in response to the supplemental petition, and shall state the reasons therefor.

(The information collection requirements in this section were approved by the Office of Budget and Management under control number 0579-0076)

§ 356.8 Return procedure.

If, at the conclusion of proceedings, seized property is to be returned to the person determined to be the owner or agent thereof, the Deputy Administrator shall issue a letter or other document to the person determined to be owner or agent thereof authorizing its return. This letter shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the person determined to be the owner or agent, the seized property, and if appropriate, the bailee of the seized property. It shall also provide that upon presentation of the letter or other document and proper identification, and the signing of a receipt provided by Plant Protection and Quarantine, the seized property is authorized to be released.

§ 356.9 Filing of documents.

(a) Any document required by this subpart to be filed or served within a certain period of time, will be considered filed or served as of the time of receipt by the party with or upon whom filing or service is required.

(b) Saturdays, Sundays, and federal holidays shall be included in computing the time allowed for the filing or serving of any document or paper; except that when such time expires on a Saturday, Sunday or federal holiday, such period shall be extended to include the next following business day.

Done at Washington, D.C., this 19th day of October 1984.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 84-28005 Filed 10-24-84; 8:45 am]

BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

Insurance Premium and One Percent Deposit Correction

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Correction to preamble of final rule.

SUMMARY: On Wednesday, October 17, 1984, the final rule entitled "Insurance Premium and One Percent Deposit" was published in the **Federal Register** (49 FR 40561). A statement regarding Office of Management and Budget approval of information collection requirements in the regulation was inadvertently left out of the preamble to the final rule. This correction is necessary so that the statement may be added. The effective date is also corrected to reflect this change.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Hattie M. Ulan, Staff Attorney, Department of Legal Services, at the above address. Telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION:.

The following paragraph should be added after the paragraph entitled *Regulatory Flexibility Act* in the first column on page 40564 of the **Federal Register** dated October 17, 1984.

Paperwork Reduction Act

The final rule will be submitted to the Office of Management and Budget for approval of any information collection requirements that appear therein. Any information collection requirements in the final rule will not take effect until they have been cleared by the Office of Management and Budget. Comments regarding information collection requirements contained in the final rule should be forwarded directly to the OMB Desk Officer indicated below: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: Judith McIntosh.

On page 49 FR 40561, the **EFFECTIVE DATE** is corrected to read as follows:

EFFECTIVE DATE: December 1, 1984, except for the information collection requirements contained in § 741.5(f) and 741.7(a).

Dated: October 19, 1984.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 84-28163 Filed 10-24-84; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-CE-29-AD; Amdt. 39-4925]

Airworthiness Directives; Gulfstream Aerospace Corp.; Models 690, 690A, 690B, 690C, 690D, 695 and 695A Airplanes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 84-19-05, Amendment 39-4925 (49 FR 38537), applicable to Gulfstream Aerospace Corporation Models 690, 690A, 690B, 690C, 690D, 695 and 695A airplanes. This correction is necessary because two serial numbers were incorrectly listed in the applicability statement when the AD was published in the **Federal Register**.

EFFECTIVE DATE: October 16, 1984.

FOR FURTHER INFORMATION CONTACT: Efran E. Esparza, Airframe Engineer, Airplane Certification Branch, ASW-150, FAA, Southwest Region, Post Office Box 1689, Fort Worth, Texas 76101; Telephone (817) 877-2077.

SUPPLEMENTARY INFORMATION: Subsequent to the issuance of AD 84-19-05, Amendment 39-4925 (49 FR 38537), applicable to Gulfstream Aerospace Corporation Models 690, 690A, 690B, 690C, 690D, 695 and 695A airplanes the FAA found that serial numbers 69075 and 97078 appearing in the applicability statement were incorrect and should have been 96075 and 96078 respectively.

Therefore, action is taken herein to make this correction. Since this action only rectifies a clerical error, it imposes not additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and contrary to the public interest, and good cause exists for making this correction effective immediately.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

In FR Doc. 84-25873 (49 FR 38537), appearing on page 38537 in the **Federal Register** of October 1, 1984, make the following correction:

In the applicability statement of the AD in the serial number listing:

(1) Change 69075 to 96075 and 97078 to 96078.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89)).

Issued in Kansas City, Missouri, on October 16, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-28171 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-CE-22-AD; Amdt. 39-4915]

Airworthiness Directives; Walter Kidde and Overland; Aviation Services Company Explosive Cartridges; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 84-18-07, Amendment 39-4915 (49 FR 36824, 36825), applicable to certain Walter Kidde and Overland Aviation Services Company aircraft fire extinguisher discharge cartridges. This correction is necessary because Overland Aviation Services Company explosive cartridge Part Number 0A841155 was erroneously included in the AD. In addition, the telephone number of the Atlanta Certification Office stated in the AD was incorrect. This action corrects these discrepancies.

EFFECTIVE DATE: October 16, 1984.

FOR FURTHER INFORMATION CONTACT: Arthur W. Nelson, ACE-140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: Subsequent to the issuance of AD 84-18-07, Amendment 39-4915 (49 FR 36824, 36825), applicable to certain Walter Kidde and Overland Aviation Service Company aircraft fire extinguisher discharge cartridges, the FAA found that Overland Aviation Service Company explosive cartridge P/N 0A841155 was erroneously included in the AD and the phone number of the Atlanta Aircraft Certification Office was incorrect when the AD was published in the **Federal Register.** Therefore, action is taken herein to make these corrections. Since this action rectifies errors it imposes no additional burden on any person. Therefore, notice and procedure hereon are unnecessary and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

In FR Doc. 84-24878 (49 FR 36824, 36825), appearing on pages 36824 and 36825 in the **Federal Register** of September 20, 1984, make the following corrections:

(1) In the Supplementary Information Section of the Preamble delete Overland Aviation Service Company P/N 0A841155 the two places that it appears therein.

(2) In the Applicability Statement of the AD delete Overland Aviation Service Company discharge cartridges P/N 0A841155.

(3) In paragraph (b) of the AD change the telephone number from (312) 694-7357 to (404) 763-7428.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Issued in Kansas City, Missouri, on October 16, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-28172 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 84-AWA-21]

Subdivision of Restricted Area R-5103A, McGregor, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment subdivides Restricted Area R-5103A McGregor, NM, into R-5103A and R-5103D, with different altitude structures and similar boundaries, which will make the southern portion of that airspace above Flight Level 180 available to nonparticipating Instrument Flight Rule (IFR) traffic operating along Jet Route J-4 east of Newman, TX.

DATES: Effective date—0901 G.m.t., December 20, 1984. Comments must be received on or before November 29, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 84-AWA-21, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

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: Mr. Brent A. Fernald, 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 subdividing Restricted Area R-5103A into R-5103A and R-5103D with different altitude

structures, which will make the southern portion of that airspace above FL 180 available to nonparticipating IFR Traffic operating along J–4 east of the Newman, TX, VORTAC, 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 these amendments to § 71.151 of Part 71 and § 73.51 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are to subdivide Restricted Area R–5103A into R–5103A with designated altitudes of surface to, but not including, FL 180, and R–5103D with designated altitudes of FL 180 and above. Section 71.151 of Part 71 and § 73.51 of Part 73 of the Federal Aviation Regulations were republished in Handbook 7400.6 dated January 3, 1984.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to subdivide Restricted Area R–5103A to make J–4 available above FL 180 to nonparticipating IFR traffic and to enhance Albuquerque ARTCC's flexibility for traffic management in the airspace bounded on the north by the Fort Bliss ranges and on the south by the U.S./Mexico border. Therefore, 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 coincident with the next charting date.

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.

List of Subjects in 14 CFR Parts 71 and 73

Continental control area and restricted areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.151 of Part 71 and § 73.51 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, as follows:

§ 71.151 [Amended]

R–5103D McGregor, NM [New]

§ 73.51 [Amended]

R–5103A McGregor, NM [Revised]

Boundaries. Beginning at lat. 32°15'0"N., long. 106°10'00"W.; to lat. 30°15'00"N., long 105°42'00"W.; to lat. 32°00'15"N., long. 105°56'40"W.; to lat. 32°00'30"N., long. 106°10'25"W.; to lat. 32°05'20"N., long. 106°09'20"W.; to lat. 32°06'00"N, long. 106°15'30"W.; thence along the Southern Pacific Railroad to the point of beginning.

Designated altitudes. Surface to, but not including, FL 180.

Times of use. Continuous.

Controlling agency. FAA, Albuquerque ARTCC.

Using agency. Commanding General, Fort Bliss, TX

R–5103D McGregor, NM [New]

Boundaries. Beginning at lat. 32°15'00"N., long. 106°10'00"W.; to lat. 32°15'00"N., long. 105°42'00"W.; to lat. 32° 03' 30" N., long. 105° 53' 50" W.; to lat. 32°03'55"N., long. 106°10'00"W.; to lat. 32°05'20"N, long. 106°09'20"W.; to lat. 32°06'00"N., long. 106°15'30"W.; thence along the Southern Pacific Railroad to the point of beginning.

Designated altitudes. FL 180 and above.

Times of use. Continuous.

Controlling agency. FAA, Albuquerque ARTCC.

Using agency. Commanding General, Fort Bliss, TX.

(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 Washington, D.C., on October 8, 1984.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84–28167 Filed 10–24–84; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 24287; Amdt. No. 1280]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air

Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPS effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

** * * Effective December 6, 1984*

St Augustine, FL—St Augustine, VOR RWY 13, Amdt. 3
Savannah, GA—Savannah International, VOR RWY 27, Amdt. 13
Gulfport, MS—Gulfport-Biloxi RGNL, VOR RWY 31, Amdt. 18
Madison, MS—Bruce Campbell Field, VOR–A, Amdt. 7
Madison, MS—Bruce Campbell Field, VOR/DME–B, Amdt. 2
Livingston, MT—Mission Field, VOR/A, Amdt. 4
Livingston, MT—Mission Field, VOR/DME–B, Orig.
Blairstown, NJ—Blairstown, VOR RWY 25, Orig.
Rock Hill, SC—Bryant Field, VOR–A, Amdt. 5
Rock Hill, SC—Bryant Field, VOR/DME–B, Amdt. 1
Dyersburg, TN—Dyersburg Muni, VOR–A, Amdt. 15
Dyersburg, TN—Dyersburg Muni, VOR/DME RWY 4, Amdt. 1
Grantsburg, WI—Grantsburg Muni, VOR–A, Amdt. 1
Hayward, WI—Hayward Muni, VOR RWY 2, Amdt. 4
Hayward, WI—Hayward Muni, VOR RWY 20, Amdt. 4

** * * Effective November 22, 1984*

Decorah, IA—Decorah Muni, VOR RWY 29, Amdt. 1
Alamogordo, NM—Alamagordo-White Sands Regional, VOR/DME RWY 3, Orig.
Alamogordo, NM—Alamagordo-White Sands Regional, VOR–B, Orig., Cancelled
Devil's Lake, ND—Devil's Lake Muni, VOR RWY 13, Amdt. 6
Devil's Lake, ND—Devil's Lake Muni, VOR RWY 31, Amdt. 3
Gillette, WY—Gillette-Campbell County, VOR RWY 16, Amdt. 5

2. By amending § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

** * * Effective November 22, 1984*

Ames, IA—Ames Muni, LOC RWY 31, Amdt. 3
Kansas City, MO—Kansas City Intl, LOC BC RWY 19, Amdt. 1, Cancelled
Midland, TX—Midland Regional, LOC BC RWY 28, Amdt. 11
Waco, TX—Waco-Madison Cooper, LOC BC RWY 1, Amdt. 8
Bellingham, WA—Bellingham Intl, LOC RWY 16, Orig., Cancelled
Gillette, WY—Gillette-Campbell County, LOC RWY 33, Amdt. 1, Cancelled

** * * Effective October 17, 1984*

Washington, DC—Washington National, Rosslyn LDA RWY 18, Amdt. 13
Washington, DC—Washington National, Lincoln LDA/DME RWY 18, Amdt. 1

3. By amending § 97.27 NDB and NDB/DME SIAPs identified as follows:

** * * Effective December 6, 1984*

Atlanta, GA—The William B Hartsfield Atlanta Intl, NDB RWY 8R, Amdt. 43
Atlanta, GA—The William B Hartsfield Atlanta Intl, NDB RWY 26L, Amdt. 14
Savannah, GA—Savannah International, NDB RWY 9, Amdt. 17
Madison, MS—Bruce Campbell Field, NDB RWY 17, Amdt. 1
Trenton, MO—Trenton Muni, NDB RWY 17, Amdt. 5
Trenton, MO—Trenton Muni, NDB RWY 35, Amdt. 7
Clintonville, WI—Clintonville Muni, NDB RWY 32, Amdt. 5
Eagle River, WI—Eagle River Union, NDB RWY 22, Amdt. 3
Hayward, WI—Hayward Muni, NDB RWY 20, Amdt. 9
Land O'Lakes, WI—King's Land O'Lakes, NDB RWY 14, Amdt. 7
Phillips, WI—Price County, NDB–A, Amdt. 3
Rice Lake, WI—Rice Lake Muni, NDB RWY 36, Amdt. 3
Superior, WI—Richard I Bong, NDB RWY 31, Amdt. 2

** * * Effective November 22, 1984*

Decorah IA—Decorah Muni, NDB RWY 29, Amdt. 7
Campbellsville, KY—Taylor County, NDB RWY 5, Amdt. 2 Cancelled
Campbellsville, KY—Taylor County, NDB RWY 23, Amdt. 1 Cancelled
Alamogordo, NM—Alamogordo-White Sands Regional, NDB RWY 3, Amdt. 1
Midland, TX—Midland Regional, NDB RWY 10, Amdt. 9
Waco, TX—Waco-Madison Cooper, NDB RWY 19, Amdt. 14

4. By amending § 97.29 ILS ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

** * * Effective December 6, 1984*

Atlanta, GA—The William B Hartsfield Atlanta Intl, ILS RWY 8L, Orig.

Atlanta, GA—The William B Hartsfield Atlanta Intl, ILS RWY 8R, Amdt. 56
Atlanta, GA—The William B Hartsfield Atlanta Intl, ILS RWY 9R, Amdt. 15
Atlanta, GA—The William B Hartsfield Atlanta Intl, ILS RWY 26R, Orig.
Atlanta, GA—The William B Hartsfield Atlanta Intl, ILS RWY 26L, Amdt. 16
Atlanta, GA—The William B Hartsfield Atlanta Intl, ILS RWY 27L, Amdt. 11
Savannah, GA—Savannah International, ILS RWY 9, Amdt. 22
Savannah, GA—Savannah International, ILS RWY 36, Amdt. 2
Lincoln, NE—Lincoln Muni, ILS RWY 17R, Amdt. 3
Lincoln, NE—Lincoln Muni, ILS RWY 35L, Amdt. 9

** * * Effective November 22, 1984*

Casa Grande, AZ—Casa Grande Muni, ILS/DME RWY 5, Amdt. 3
Santa Barbara, CA—Santa Barbara Muni, ILS RWY 7, Orig.
Santa Barbara, CA—Santa Barbara Muni, ILS RWY 7, Amdt. 22, Cancelled
Midland, TX—Midland Regional, ILS RWY 10, Amdt. 12
Tyler, TX—Tyler Pounds Field, ILS RWY 13, Amdt. 16
Waco, TX—Waco-Madison Cooper, ILS RWY 19, Amdt. 11
Bellingham, WA—Bellingham Intl, ILS RWY 16, Orig.
Gillette, WY—Gillette-Campbell County, ILS RWY 34, Orig.

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective December 6, 1984*

Atlanta, GA—The William B Hartsfield Atlanta Intl, RADAR-1, Amdt. 29
Savannah, GA—Savannah International, RADAR-1, Amdt. 6

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective December 6, 1984*

Savannah, GA—Savannah International, RNAV RWY 27, Amdt. 4
Savannah, GA—Savannah International, RNAV RWY 18, Amdt. 5
Madison, MS—Bruce Campbell Field, RNAV RWY 17, Amdt. 2, Cancelled

** * * Effective November 22, 1984*

Decorah, IA—Decorah Muni, RNAV RWY 29, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

Note.—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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on October 19, 1984.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 84-28165 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C-0321]

Listing of Color Additives for Coloring Contact Lenses; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of August 28, 1984, for the final rule that amended the color additive regulations to provide for the use of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione as a color additive for coloring contact lenses. The rule responded to a petition filed by Dow Corning Ophthalmics, Inc.

DATE: Effective date confirmed: August 28, 1984.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: FDA published a final rule in the **Federal Register** of July 26, 1984 (49 FR 30065), amending the color additive regulations to add § 73.3105 (21 CFR 73.3105) that allows the use of 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione as a color additive for coloring contact lenses.

FDA gave interested persons until August 27, 1984, to file objections or requests for hearing on the final rule. The agency received no objections or requests for a hearing. Therefore, FDA concludes that it should confirm the August 28, 1984 effective date of the agency's July 26, 1984 final rule on 1,4-bis[(2-methylphenyl)amino]-9,10-anthracenedione.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the July 26, 1984 final rule. Accordingly, the final rule adding § 73.3105 to provide for the safe use of 1,4-bis[(2-methylphenyl)amino]-9-10-anthracenedione in coloring contact lenses became effective on August 28, 1984.

Dated: October 19, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28129 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[T.D. 7988]

Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Allocation of the 1,000 Barrel Amount Within a Related Group

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the allocation within a related group of the 1,000 barrel amount for independent producers subject to a reduced rate of windfall profit tax on domestic crude oil. The applicable law was added to the Internal Revenue Code of 1954 by the Crude Oil Windfall Profit Tax Act of 1980. The regulations provide the public with guidance needed to comply with the Act.

DATES: These final regulations are effective with respect to crude oil removed (or deemed removed) from the premises after February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Beverly A. Baughman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3297) (not a toll-free call).

SUPPLEMENTAL INFORMATION:

Background

This document contains amendments to the proposed Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980 (26 CFR Part 51) under section 4992(e) of the Internal Revenue Code of 1954. The final regulations are required to implement section 4992(e) as added by section 101(a)(1) of the Crude Oil Windfall Profit Tax Act of 1980, and are to be issued under the authority contained in sections 4992(e), 4997(b), and 7805 of the Internal Revenue Code of 1954 (94 Stat. 236, 26 U.S.C. 4992(e); 94 Stat. 249, 26 U.S.C. 4997b; 68A Stat. 917, 26 U.S.C. 7805).

On January 13, 1984, the **Federal Register** published proposed regulations (49 FR 1748) to add a new §51.4992–2 to the Excise Tax Regulations (26 CFR Part 51). There were no written comments or requests for a public hearing. Therefore, the regulations are being published as they appeared in the notice of proposed rulemaking except for minor clarifying changes.

In General

The windfall profit tax is a temporary excise tax imposed upon the windfall profit from domestically produced taxable crude oil removed from the premises during each taxable period (generally a calendar quarter). Generally, the rate of tax on tier 1 and tier 2 oil is 70 percent and 60 percent, respectively. However, certain tier 1 and tier 2 oil produced by independent producers is subject to a 50 percent and 30 percent rate of tax, respectively. This oil subject to the reduced rate of tax is "independent producer oil."

"Independent producer oil" is that portion of an independent producer's qualified production for the quarter that does not exceed such person's independent producer amount for the quarter. A person's independent producer amount for any quarter is the product of 1,000 barrels multiplied by the number of days in the quarter. However, this 1,000 barrel amount must be allocated among independent producers who are members of the same related group at any time during the calendar quarter. If an independent producer is a member of the same related group for only a portion of the quarter, the 1,000 barrel amount is subject to allocation for those days on which the independent producer is a member of that related group. The Service considered a rule that would allocate on a quarterly basis among those who were group members at any time during a quarter. That is, a group member's independent producer amount for a quarter would be a share of one independent producer amount for the quarter (1,000 barrels times the number of days in the quarter), regardless of on how many days during the quarter the independent producer was a group member. The share would be proportionate to that independent producer's production for that quarter. This rule would have the effect of depriving an independent producer of the full 1,000 barrel per day amount even on those days when the independent producer was not a member of the related group. Such a rule is supportable under the language of section 4992(e)(1). Nevertheless, this rule was rejected in favor of the rule that only reduced the independent producer amount for those days on which the independent producer was a member of a related group.

Members of a Related Group

An independent producer is treated as a member of a related group if the independent producer is a member of: (i) A family; (ii) a controlled group of corporations; (iii) a group of entities under common control; or (iv) if 50 percent or more of the beneficial interest in one or more of the corporations, trusts, or estates is owned by one or more members of the same family, all these entities and the family. A group of entities under common control means any group of entities that is either a parent-subsidiary group under common control, a brother-sister group under common control, or a combined group under common control. For purposes of determining whether 50 percent or more of the beneficial interest in one or more corporations, trusts, or estates is owned by one or more members of the same family, an interest owned by or for a corporation, partnership, trust or estate is considered as owned directly by the entity and proportionately by its stockholders, partners, or beneficiaries, as the case may be.

If, under these rules, an independent producer is a member of more than one related group for any concurrent period during the calendar quarter, the allocation of the 1,000 barrel amount to the independent producer is made by reference to that related group that results in the smallest allocation of that independent producer. Once an independent producer's allocation has been made by reference to that related group that results in the smallest allocation, the independent producer still is treated as a member of the other related group or groups for allocation purposes.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not subject to review under Executive Order 12291 or the Treasury—OMB implementation of that Order, dated April 29, 1983. Accordingly, a Regulatory Impact Analyses is not required. Although a notice of proposed rulemaking that solicited public comment was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Beverly A. Baughman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of style and substance.

List of Subjects in 26 CFR Part 51

Excise Tax, Petroleum, Crude Oil Windfall Profit Tax of 1980.

Adoption of Amendments to the Regulations

PART 51—[AMENDED]

Accordingly, 26 CFR Part 51 is amended as follows:

§ 51.4992–1 [Amended]

Paragraph 1. Paragraph (e) is removed from § 51.4992–1.

Par. 2. There is added immediately after § 51.4992–1 the following new section:

§ 51.4992–2 Allocation within related group of 1,000 barrel amount.

(a) *General rule*—(1) *In general.* The 1,000 barrel amount described in section 4992(c)(1)(A) must be allocated among independent producers who are members of the same related group at any time during the calendar quarter. For the definition of the term "related group", see paragraph (b) of this section.

(2) *Method of allocation*—(i) *Members of the same related group for the entire quarter.* If an independent producer is a

member of the same related group (one whose members do not vary) for the entire quarter, the independent producer's allocable share of the 1,000 barrel amount shall be equal to that amount which bears the same ratio to 1,000 barrels as that independent producer's qualified production of crude oil (as defined in section 4992(d)) for the quarter bears to the total qualified production of crude oil for the quarter of all the independent producers of that related group.

(ii) *Members of the same related group for part of the quarter*—(A) If an independent producer is a member of the same related group for less than the entire quarter, the 1,000 barrel amount prescribed in paragraph (a)(1) of this section shall be allocated for those days during the quarter on which the independent producer is a member of the related group. For each day that an independent producer is a member of the related group, the independent producer's allocable share of the 1,000 barrel amount shall be equal to that amount which bears the same ratio to 1,000 barrels as that independent producer's qualified production of crude oil (as defined in section 4992(d)) for that day bears to the total qualified production of crude oil for that day of all the independent producers of that related group. This calculation must be performed for each day that an independent producer is a member of a related group, unless the independent producer is a member of that related group for the entire quarter (see paragraph (a)(2)(i) of this section).

(B) On those days during the quarter that the independent producer described in paragraph (a)(2)(ii)(A) of the section is not a member of a related group, the independent producer is not required to allocate the 1,000 barrel amount pursuant to paragraph (a)(1) of this section.

(C) The independent producer amount for an independent producer described in paragraph (a)(2)(ii)(A) of this section for the quarter shall be equal to the sum of—

(*1*) The independent producer's daily amounts computed under paragraph (a)(2)(ii)(A) of this section, and

(*2*) The product of 1,000 barrels multiplied by the number of days in the quarter that the independent producer is not a member of any related group.

The 1,000 barrel amount prescribed in paragraph (a)(1) of this section is first allocated under this section before any further allocation is made under section 4992(c)(2) between tiers 1 and 2 and within any tier.

(3) *Examples.* The allocation described in paragraph (a)(1) of this section may be illustrated by the following examples:

Example (1). On April 1, 1980, A, B, and C, all independent producers, were members of the same related group. A and B continued to be members of the related group during the entire second quarter of 1980 (April through June), but C was a member of the related group only for the month of April. C did not become a member of any other related group during the quarter. C continued the production of oil. For the period from April 1, 1980 through April 30, 1980, A, B, and C each day had qualified production of 500 barrels, 400 barrels and 300 barrels, respectively. For the period from May 1, 1980 through June 30, 1980, A, B, and C each day had qualified production of 1,000 barrels, 800 barrels, and 600 barrels, respectively. Because A, B, and C were all members of the same related group during part of the second quarter, the 1,000 barrel amount must be allocated among A, B, and C. However, only C's production during the time period that C was a member of the related group is counted for determining the allocation. Thus, for the period from April 1, 1980 through April 30, 1980, A's 1,000 barrel amount is reduced to 417 barrels, B's 1,000 barrel amount is reduced to 333 barrels, and C's 1,000 barrel amount is reduced to 250 barrels, determined as follows:

$$\text{Member A } 1{,}000 \times \frac{500}{1{,}200} = 417 \text{ barrels}$$

$$\text{Member B } 1{,}000 \times \frac{400}{1{,}200} = 333 \text{ barrels}$$

$$\text{Member C } 1{,}000 \times \frac{300}{1{,}200} = 250 \text{ barrels}$$

For the period from May 1, 1980 through June 30, 1980, A's 1,000 barrel amount is reduced to 556 barrels, and B's 1,000 barrel amount is reduced to 444 barrels determined as follows: (C's production is not counted because C was not a member of the related group during the period).

$$\text{Member A } 1{,}000 \times \frac{1{,}000}{1{,}800} = 556 \text{ barrels}$$

$$\text{Member B } 1{,}000 \times \frac{800}{1{,}800} = 444 \text{ barrels}$$

Member C=1,000 barrels (C is entitled to the entire 1,000 barrel amount for that part of the second quarter (May 1, 1980 through June 30, 1980) during which C is not a member of any related group)

Accordingly, for the second quarter of 1980, the independent producer amounts for the members are as follows:

Member A	12,510 barrels	(417×30 days)
	33,916 barrels	(556×61 days)
	46,426 barrels	
Member B	10,000 barrels	(333.33×30 days)
	27,084 barrels	(444×61 days)
	37,084 barrels	
Member C	7,500 barrels	(250×30 days)
	61,000 barrels	(1,000×61 days)
	68,500 barrels	

Example (2). Assume the facts are the same as in example (1) except that B is not an independent producer and, therefore, does not have any qualified production. Thus, B is not entitled to any independent producer amount. The 1,000 barrel amount for A and C is not reduced by allocating a part of it to B.

(b) *Related group*—(1) *In general.* For purposes of this section, a related group is any one of the following groups:

(i) Members of the same family;

(ii) A controlled group of corporations;

(iii) A group of entities under common control; or

(iv) If 50 percent or more of the beneficial interest in one or more corporations, trusts, or estates is owned by one or more members of the same family, all these entities and the family.

(2) *Example.* The provisions of this paragraph (b) may be illustrated by the following example:

Example. A, an independent producer, is unmarried and has no minor children. A owns 50 percent in value of the stock in each of nine corporations. These corporations are not members of a controlled group of corporations or members of a group of entities under common control. A and the nine corporations are treated as members of the same related group described in paragraph (b)(1)(iv) of this section because A owns 50 percent of the beneficial interest in each of these nine corporations.

(c) *Definitions.* For purposes of this section, the following terms have the following meanings:

(1) *Family.* The term "family" means an individual and the spouse and all minor children of the individual. For example, two minor children who are independent producers would be treated as members of the same family even though neither parent was an independent producer or neither parent had qualified production of oil during the calendar quarter. For this purpose, the status of a child as a minor shall be determined under state law.

(2) *Controlled group of corporations.* The term "controlled group of corporations" has the meaning given to this term by section 1563(a) (including other provisions of section 1563 and the regulations thereunder necessary in the application of section 1563(a)), except that section 1563(b)(2) shall not apply and except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a).

(3) *Group of entities under common control.* The term "group of entities under common control" means any group of entities that is either a "parent-subsidiary group under common control" as defined in paragraph (c)(3)(i) of this section, a "brother-sister group under common control" as defined in paragraph (c)(3)(ii) of this section, or a "combined group under common control" as defined in paragraph (c)(3)(iii) of this section. For purposes of this paragraph (c)(3), the term "organization" means a corporation, estate, or trust. If, for a calendar quarter, an organization is a member of more than one group of entities under common control, see paragraph (e) of this section for the rule that the organization's allocation is determined by reference to that group which results in the smallest allocation for that organization. For purposes of paragraph (c)(3) of this section, the following terms have the following meanings:

(i) *Parent-subsidiary group under common control.* The term "parent-subsidiary group under common control" means one or more chains of organizations that are connected through ownership of a controlling interest with a common parent organization if—

(A) A controlling interest in each of the organizations, except the common parent organization, is owned by one or more of the other organizations in the chain or chains; and

(B) The common parent organization owns a controlling interest in at least one of the other organizations, excluding, in computing this controlling interest, an interest owned directly in the organization by the other organizations.

(ii) *Brother-sister group under common control.* The term "brother-sister group under common control" means two or more organizations if the same five or fewer persons who are individuals, estates, or trusts own a controlling interest in each organization taking into account the ownership of each person only to the extent that the person's ownership is identical with respect to each organization.

(iii) *Combined group under common control.* The term "combined group under common control" means a group of three or more organizations if each organization is a member of either a parent-subsidiary group under common control, or a brother-sister group under common control, and at least one organization is the common parent organization of the parent-subsidiary group under common control and also is a member of the brother-sister group under common control.

(iv) *Controlling interest.* The term "controlling interest" means:

(A) In the case of an organization which is a corporation, ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of the shares of all classes of stock of the corporation, and

(B) In the case of an organization which is an estate or trust, ownership of an actuarial interest (determined under paragraph (c)(3)(v) of this section) of more than 50 percent of the estate or trust.

The principles of the rules contained in § 1.1563–2 shall apply for purposes of determining whether certain interests in an estate or trust or stock in a corporation are included in determining control, and the principles of the rules contained in § 1.1563–3 shall apply for purposes of determining the ownership of stock in a corporation or the ownership of an interest in an estate or trust.

(v) *Actuarial interest.* For purposes of this paragraph (c), the actuarial interest of each beneficiary of an estate or trust is determined by assuming the maximum exercise of discretion by the fiduciary in favor of the beneficiary. The factors and methods prescribed in § 20.2031–7 or § 20.2031–10, whichever is appropriate, for use in ascertaining the value of an interest in property for estate tax purposes shall be used to determine a beneficiary's actuarial interest.

(4) *Fifty percent or more of the beneficial interest.* The term "50 percent or more of the beneficial interest" means—

(i) With respect to any corporation, 50 percent or more is value of the outstanding stock (excluding treasury stock) of such corporation, and

(ii) With respect to an estate or trust, an actuarial interest of 50 percent or more of the estate or trust (determined under paragraph (c)(3)(v) of this section).

The determination of the family's beneficial interest in an estate or trust shall be based on all of the property owned by the estate or trust and shall not be based on interests solely relating to oil production owned by the estate or trust.

(d) *Constructive ownership*—(1) *In general.* For purposes of determining, under paragraph (b)(1)(iv) of this section, whether 50 percent or more of the beneficial interest in one or more corporations, trusts, or estates is owned by one or more members of the same family, an interest owned by or for a corporation, partnership, trust, or estate is considered as owned directly by the entity and proportionately by its stockholders, partners, or beneficiaries in accordance with the attribution rules described in paragraph (d)(2) of this section.

(2) *Attribution rules*—(i) *Corporations.* An interest owned, directly or indirectly, by or for a corporation shall be considered as owned by each shareholder in that proportion which the value of the stock which such shareholder so owns bears to the value of all the stock in such corporation.

(ii) *Estates and trusts.* An interest owned, directly or indirectly, by or for an estate or trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such estate or trust.

(iii) *Partnership.* An interest owned, directly or indirectly, by or for a partnership shall be considered as owned proportionately by its partners.

(iv) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. B and C are married and have two minor children, D and E. Each person is an independent producer. B is the sole beneficiary of Trust F, an independent producer that is a partner with an 80 percent capital and profits interest in the XYZ partnership. XYZ owns 75 percent in value of the stock of corporation M, an independent producer. F is treated as owning 80 percent of the property owned (or treated as owned) by XYZ. Thus, F is treated as owning 60 percent in value (80 percent of 75 percent) of the stock of M, and B is treated as owning the interest in M that is treated as owned by F. Accordingly, because B is treated as owning 50 percent or more of the beneficial interest in M, B, C, D, E, Trust F, and Corporation M are treated as members of the same related group described in paragraph (b)(1)(iv).

(e) *Members of more than one related group*—(1) *In general.* If, under this section, an independent producer is a member of more than one related group concurrently for the entire quarter (or for any concurrent period during the calendar quarter), the determination of the independent producer's allocation of the 1,000 barrel amount under paragraph (a)(1) of this section for that quarter (or concurrent period) shall be made by reference to the allocation of the related group that results in the smallest allocation for that person. However, for purposes of making the allocation under paragraph (a)(1) of this section with respect to any other related group, an independent producer whose allocation is made by reference to the allocation of the related group which results in the smallest allocation for the independent producer nevertheless shall be treated as a member of the other related group for purposes of determining the other members' allocable share of the 1,000 barrel amount.

(2) *Examples.* The rules of paragraph (e) may be illustrated by the following examples:

Example (1). Assume the facts are the same as in example (1) of paragraph (a)(3) of this section except that on May 1, 1980, C becomes a member of a related group with D and E, both independent producers, after ceasing to be a member of the related group with A and B. C remains a member with D and E through June 30, 1980. For the period from May 1, 1980 through June 30, 1980, C had qualified production of 600 barrels daily. For the period from May 1, 1980 through June 30, 1980, D and E each had qualified production of 1,200 barrels daily. Because C is not concurrently a member of more than one related group during the calendar quarter (April through June), C's allocation of the 1,000 barrel amount is not made by reference to the allocation of the related group that results in the smallest allocation to C. Instead C's allocation is determined separately for the period from April 1, 1980 through April 30, 1980, when C was a member of a related group with A and B and for the period from May 1, 1980 through June 30, 1980, when C was a member of a related group with D and E. Therefore, for the period from April 1, 1980 through April 30, 1980, C's allocation of the 1,000 barrel amount and C's independent producer amount are the same as in example (1) of paragraph (a)(3) of this section. For the period from May 1, 1980 through June 30, 1980, C's 1,000 barrel amount is reduced to 200 barrels, D's 1,000 barrel amount is reduced to 400 barrels and E's 1,000 barrel amount is reduced to 400 barrels determined as follows:

$$\text{Member C } 1{,}000 \times \frac{600}{3{,}000} = 200$$

$$\text{Member D } 1{,}000 \times \frac{1{,}200}{3{,}000} = 400$$

$$\text{Member E } 1{,}000 \times \frac{1{,}200}{3{,}000} = 400$$

Accordingly, for the period for May 1, 1980 through June 30, 1980, the independent producer amounts for C, D, and E are as follows:

Member C . . . . 12,200 barrels (200×61 days)
Member D . . . . 24,400 barrels (400×61 days)
Member E . . . . 24,400 barrels (400×61 days)

Example (2). From January 1, 1982 through March 31, 1982, F and H, both independent producers, were members of related group FH. For the period from January 1, 1982 through January 30, 1982, H is also a member of a related group with I and J, both independent producers. For the period from January 31, 1982 through March 31, 1982, I and J are members of related group IJ. Each day of the quarter F, H, I, and J produce the following quantities of crude oil:

F=1,200 barrels
H=800 barrels
I=1,600 barrels
J=1,600 barrels

Because H is a member of more than one related group for a concurrent period (January 1, 1982 through January 30, 1982) during the calendar quarter (January through March), H's allocation for that concurrent period of the 1,000 barrel amount must be made by reference to the allocation of the related group that results in the smallest allocation to H. H's 1,000 barrel amount is reduced to 400 barrels for the period from January 1, 1982, through January 30, 1982, as a member of group FH and to 200 barrels as a member of group HIJ determined as follows:

$$1{,}000 \times \frac{\text{800 (H's daily production)}}{\text{2,000 (F\&H's daily production)}} = 400 \text{ barrels}$$

$$1{,}000 \times \frac{\text{800 (H's daily production)}}{\text{4,000 (H, I\&J's daily production)}} = 200 \text{ barrels}$$

Therefore, H's allocation as a member of a related group with I and J is smaller than H's allocation as a member of a related group with F. Thus, H is treated as a member of a related group with I and J for the period from January 1, 1982 through January 30, 1982. However, the amount of the reduction of F's 1,000 barrel amount for that period still will be determined with regard to H because H still is treated as a member of the related

group with F for purposes of determining F's allocation.

Thus, for the period from January 1, 1982 through January 30, 1982, and for the period from January 31, 1982 through March 31, 1982, F's 1,000 barrel amount is reduced to 600 barrels determined as follows:

$$1{,}000 \times \frac{\text{1,200 (F's daily production)}}{\text{2,000 (F\&H's daily production)}} = 600 \text{ barrels}$$

Accordingly, for the first quarter of 1982, the independent producer amount for F is 54,000 barrels determined as follows:

18,000 barrels (600×30 days)
36,000 barrels (600×60 days)

54,000 barrels

For the period from January 31, 1982 through March 31, 1982, H's 1,000 barrel amount is reduced to 400 barrels determined as follows:

$$1{,}000 \times \frac{\text{800 (H's daily production)}}{\text{2,000 (F\&H's daily production)}} = 400 \text{ barrels}$$

Accordingly, for the first quarter of 1982, the independent producer amount for H is 30,000 barrels determined as follows:

6,000 barrels (30 days×200 (H's allocation with reference to related group H, I&J)
24,000 barrels (60 days ×400)

30,000 barrels

For the period from January 1, 1982 through January 30, 1982, I's 1,000 barrel amount is reduced to 400 barrels determined as

$$1{,}000 \times \frac{\text{1,600 (I's daily production)}}{\text{4,000 (H, I and J's daily production)}} = 400 \text{ barrels}$$

For the period from January 31, 1982 through March 30, 1982, I's 1,000 barrel amount is reduced to 500 barrels determined as follows:

$$1{,}000 \times \frac{\text{1,600 (I's daily production)}}{\text{3,200 (I and J's production)}} = 500 \text{ barrels}$$

Accordingly, for the first quarter of 1982, the independent producer amount for I is 42,000 barrels determined as follows:

12,000 barrels (30 days×400 barrels)
30,000 barrels (60 days×500 barrels)

42,000 barrels

The reduction of the 1,000 barrel amount and the independent producer amount for the first quarter of 1982 for J is the same as for I.

Example (3). G and H are married and have a minor child J. G, H, and J are independent producers. For the entire second calendar quarter of 1982, G owns 50 percent in value of the stock in corporations N and O, and 45 percent in value of the stock in corporation P. N, O, and P are independent producers. K and L, independent producers, are unmarried and have no minor children. K and L are unrelated to G, H, and J, and unrelated to each other. For the entire second calendar quarter of 1982, K owns 30 percent in value of the stock in N, O, and P. For the entire second calendar quarter of 1982, L owns 20 percent in value of the stock in N and O, and 25 percent in value of the stock in P. Accordingly, corporations N, O, and P qualify as members of the brother-sister controlled group because G, K, and L in combination directly own more than 50 percent of the total value of the stock of each corporation, taking into account the stock ownership of each person only to the extent that the person's stock ownership is identical with respect to each such corporation. However, N and O also qualify concurrently as members of a related group with G, H, and J because G owns 50 percent of the beneficial interest in N and O, and G, H, and J are a family. Assuming that each indpendent producer produces the same amount of oil per day, N and O must be treated as members of the related group composed of G, H, J, N, and O since this group will result in the smallest allocations of the 1,000 barrel amounts to N and O. However, the amount of the reduction of P's 1,000 barrel amount shall be determined with regard to N and O because N and O still are treated as members of the related group with P for purposes of determining P's allocation. K and L are not treated as members of a related group.

This Treasury decision is issued under the authority contained in sections 4992(e), 4997(b), and 7805 of the Internal Revenue Code of 1954 (94 Stat. 236, 26 U.S.C. 4992(e); 94 Stat. 249, 26 U.S.C. 4977(b); 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: October 9, 1984.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84-28282 Filed 10-24-84; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 242b

General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences

AGENCY: Uniformed Services University of the Health Sciences, DOD.

ACTION: Final rule.

SUMMARY: The Board of Regents of the Uniformed Services University of the Health Sciences is amending its regulations to alter the responsibilities of the officers reporting to the University President without changing their number and to reflect the changes in position title because of a University reorganization. The rule changes the position of Commandant from a subordinate of an Associate Dean to the equivalent of an Associate Dean and deletes the Office of the Associate Dean.

The rule also makes changes in responsibilities.

Because this rule relates solely to matters of University organization and procedure, notice of proposed rulemaking and public participation in the rulemaking are not required by Section 553 of Title 5 of the United States Code.

EFFECTIVE DATE: September 10, 1984.

FOR FURTHER INFORMATION CONTACT: Merel P. Glaubiger, General Counsel, Uniformed Services University of the Health Sciences. Phone Number: (202) 295–3028.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–36169 published in the **Federal Register** on December 20, 1977 (42 FR 63775) the Uniformed Services University of the Health Sciences published General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences. This was amended in (1) FR Doc 78–28367 published in the **Federal Register** on October 10, 1978 (43 FR 46531) to alter the number and responsibilities of officers reporting to the Dean of the University President, (2) FR Doc 81–8774 published in the **Federal Register** on March 23, 1981 (46 FR 18024) to realign certain functions of officers reporting to the President, and (3) FR Doc 82–15200 published in the **Federal Register** on June 4, 1982 (47 FR 24297) to add one officer reporting to the President.

List of Subjects in 32 CFR Part 242b

Medical and dental schools, Uniformed services, Organization and functions (government agencies).

PART 242b—GENERAL PROCEDURES AND DELEGATIONS OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Accordingly, pursuant to the Uniformed Services Health Professions Revitalization Act, Sections 552 and 553 of the United States Code, and § 242b.8(a) of Title 32, Code of Federal Regulations, the Board of Regents of the Uniformed Services University of the Health Sciences amends Part 242b, Chapter I, Title 32, Code of Federal Regulations by revising paragraphs (a)(7) and (b)(3)–(5) of § 242b.7 to read as follows:

§ 242b.7 Officers of the University.

(a) * * *

(7) To assist in the performance of his or her duties, the President with the approval of the Board, shall appoint, to act under the President's authority and direction, officers as follows:

(i) Vice President of the University;

(ii) Dean of the School of Medicine;

(iii) Associate Dean for Academic Affairs;

(iv) Associate Dean for Operations;

(v) Commandant.

* * * * *

(b) * * *

(3) *Associate Dean for Academic Affairs.* (i) The Associate Dean for Academic Affairs shall be responsible for the overall management and supervision of the University's Basic Sciences Departments, Clinical Sciences Departments, and the Academic Sections.

(ii) In the absence of the Dean, he or she shall act for the Dean.

(4) *The Associate Dean for Operations.* (i) The Associate Dean for Operations shall be responsible for the support of the educational and research activities of the University but not limited to:

(A) Financial Management;

(B) Building Services and Materiel Acquisition;

(C) Grants Management;

(D) Civilian personnel;

(E) Instructional and Research Support;

(F) Learning Resources Center; and

(G) Computer Operations.

(ii) He or she shall be responsible for the preparation of the University budget estimates and program submission presentations for the approval of the Board.

(iii) He or she shall make all books, records or vouchers available for the inspection of any member of the Board and shall report at each meeting of the Administrative Affairs Committee.

(iv) In the absence of the Dean and the Associate Dean for Academic Affairs, he or she shall act for the Dean.

(5) *Commandant.* (i) The Commandant shall assist the Dean of the School of Medicine in planning, developing, and directing the military activities and functions of the School of Medicine.

(ii) In the absence of the Dean, Associate Dean for Academic Affairs, and Associate Dean for Operations, he or she shall act for the Dean.

(Uniformed Services Health Professions Revitalization Act (10 U.S.C. 2112–17))

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1984.

[FR Doc. 84–27853 Filed 10–24–84; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS–50507A; TSH–FRL–2619–8]

Significant New Uses of Chemical Substances Derivative of Tetrachloroethylene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for a chemical substance which was the subject of premanufacture notice (PMN) P–82–684 and a TSCA section 5(e) consent order issued by EPA.

DATES: This rule shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on November 8, 1984. This rule shall become effective January 7, 1985.

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

SUPPLEMENTARY INFORMATION: OMB Control Number 2070–0012.

I. Authority

Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule, after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is subject to the same requirements and procedures as a PMN submitted under section 5(a)(1)(A) of TSCA which are interpreted at 40 CFR Part 720 published in the **Federal Register** of May 13, 1983 (48 FR 21722). In particular, these include the information submission requirements of section 5 (b) and (d)(1), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5 (e) and (f). If EPA does not take regulatory action under section 5, 6, or 7 to control activities on which it has received a SNUR notice, section 5(g) requires the Agency to

explain in the **Federal Register** its reasons for not taking action.

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

II. Applicability of General Provisions

EPA has promulgated general provisions under 40 CFR Part 721, Subpart A which are applicable to SNURs and were published in the **Federal Register** of September 5, 1984 (49 FR 35011). These general provisions will apply to this SNUR without change except as discussed in this preamble and as provided in the rule. Interested persons should refer to the above-cited document for a detailed discussion of the general provisions.

The general provisions governing SNUR reporting were promulgated subsequent to the proposal of this rule in the **Federal Register**. Therefore, this final rule is structurally different from its proposal format because the non-substantive and procedural matters are now contained in Subpart A to Part 721.

III. Summary of This Rule

The chemical substance subject to this rule is identified generically as derivative of tetrachloroethylene. It was the subject of PMN P–82–684. EPA is designating the following as significant new uses of the substance: (A) Manufacture or processing without requiring use of the following personal protective equipment by persons employed by or under the control of the manufacturer or processor who are involved in and in the immediate area of any operation where dermal contact and/or inhalation of the substance may occur: (1) A respirator, approved by the National Institute for Occupational Safety (NIOSH) to provide protection against dusts having an air contamination level not less than 0.05 mg per cubic meter of air and fitted according to procedures established by the Occupational Safety and Health Administration and Mine Safety and Health Administration regulations and set forth at 29 CFR 1910.134, and (2) gloves which are determined to be impervious to the substance under the conditions of potential exposure (gloves may be determined to be impervious to the substance either by testing the gloves under the conditions of exposure, including the duration of exposure, or by evaluating the data and the specifications supplied by the glove manufacturer in the context of the conditions of exposure). (B) Manufacture or processing without requiring that any container of the substance or formulation containing the substance be: (1) Packaged to prevent any leakage of the substance to the environment, and (2) labeled on the package that the substance should be handled only while using NIOSH approved respirators and impervious gloves.

IV. Background

The chemical substance subject to this rule was the subject of a PMN designated P–82–684. The notice submitter claimed the following as confidential business information (CBI): The submitter's identity, the chemical identity, the intended use, and production volume. For purposes of clarity, the substance is referred to in this preamble and § 721.975 by its generic chemical name and PMN number.

The Agency proposed a SNUR for this substance in the **Federal Register** of January 3, 1984 (49 FR 91) as § 721.325 (now § 721.975). The background of the PMN and the reasons for proposing the SNUR are set forth in the preamble to the proposed rule.

EPA received two sets of comments during the public comment period for this SNUR. Responses to these comments are contained in the appropriate units of this preamble. After the close of the comment period, EPA received comments from the Chemical Manufacturers' Association (CMA) which addressed this SNUR and several others recently proposed by EPA. These comments raised a number of issues about these SNURs and made general suggestions for changes. For example, CMA proposed that EPA's SNURs (1) address hazard communication issues by referencing regulations which were recently promulgated by the Occupational Safety and Health Administration, (2) provide an expedited procedure for the review of alternative types of protective measures rather than the submission of a full SNUR notice with a 90-day review period, and (3) simplify SNUR recordkeeping requirements.

EPA is considering these late comments and may propose amendments to this SNUR in the future to implement some or all of these suggestions. However, because the chemical substance which is identified in this SNUR has been on the Inventory for some time, EPA is concerned that the significant new uses of this substance could be commenced without EPA review. Accordingly, the Agency has decided to proceed with promulgation of this SNUR now. If EPA determines that changes to this rule are necessary in response to CMA's comments, amendments to this rule will be made.

V. Designation of Signifcant New Uses

To determine what would constitute a significant new use of this chemical substance, EPA considered relevant information about the toxicity of the substance and likely exposures associated with possible uses (for example those uses not allowed under the section 5(e) order), including the four factors listed in section 5(a)(2) of TSCA. In particular, EPA considered the extent to which potential uses may change or increase the exposure to humans. Based on these considerations, EPA is defining the significant new uses of P–82–684 as they appear in Unit III of this preamble and paragraph (a) of § 721.975.

Given EPA's concerns about P–82–684, EPA believes the potential levels of exposure could result in significant risks to workers. Based on data on structurally similar substances, any significant exposure would present a carcinogenic risk to unprotected workers.

The Agency believes that the data described in the preamble to the proposed rule are sufficient to substantiate the contention that the significant new uses of P–82–684 present a potentially significant increase in the magnitude and type of exposure to P–82–684. Section 5(a)(2) of TSCA does not require the Agency to make either a "may present" or a "will present" risk finding with regard to satisfying the requirements for a significant new use. The statute imposes the requirement that the Agency provide for a "consideration of all relevant factors." The Agency did not receive any comments challenging the basis for its health concerns about this substance. The Agency believes that a reasonable qualitative assessment of these factors was incorporated in the preamble of the proposed rule published in the **Federal Register** of January 3, 1984 (49 FR 91). One commenter stated that the proposed significant new use does not constitute a "use" as Congress intended the word to be employed. The Agency disagrees and believes that the use described in the proposal and in this final rule is a significant new use for which reporting

can be required under TSCA. Rather than providing a definition of "significant new use" in TSCA, Congress enumerated factors for the Administrator to consider when making a determination of significant new use. Examining the enumerated factors and the legislative history demonstrate that the Administrator's determination of significant new use relates to changes in environmental releases or human exposures. Each of the four factors identified in section 5(a)(2)(B) of TSCA to be considered by the Administrator relate to exposures or releases. Congress intended that the Administrator use his authority under section 5(a)(2) to monitor potentially significant changes in environmental releases or human exposure. Hence, the House and Senate conferees stated that "* * * any potential threats to health or the environment from the manufacture, processing, distribution in commerce, or disposal of a substance associated with a new use [should] be considered by the Administrator when determining the significance of a new use." (Legislative History of the Toxic Substances Control Act, House Committee on Interstate and Foreign Commerce, U.S. Government Printing Office, Washington, D.C., 1976, p. 679). Therefore, changes in the way a chemical substance is manufactured, processed, distributed in commerce, or used may constitute a significant new use if the type or duration of human exposure or environmental releases of a substance may be changed or increased. The Agency has carefully considered the requirements of section 5(a)(2) and believes it is within its statutory authority and Congressional mandate.

VI. Alternatives

In the proposed SNUR, EPA considered other possible approaches. These alternatives included the promulgation of a section 8(a) reporting rule, and/or regulation under section 6.

One commenter supported the alternative which would employ section 8(a) rather than SNUR authority to require reporting when a person manufactures or processes the substance without specified controls. The Agency believes it has selected the best alternative for the reasons stated in the preamble to this rule. A SNUR is best suited for situations such as this where the Agency has insufficient information upon which to base a section 6 action and the Agency needs the option of employing its section 5(e) authority when it receives a SNUR notice which indicates that the potential risks have not been sufficiently mitigated. Therefore, for the reasons discussed in the proposed rule, the Agency has elected to proceed with the promulgation of a SNUR covering significant new uses of P-82-684.

VII. Determining Who Must Report

At § 721.5 of Subpart A, the Agency has promulgated provisions for determining who must report significant new uses. The Agency is not modifying the provisions for this rule.

One commenter suggested that EPA select a reporting scheme where only the person who actively develops the substance for the significant new use should have to submit a SNUR notice. The Agency wishes to receive the most complete information possible regarding a particular significant new use. Because the significant new uses involve exposure controls during manufacturing and processing of P-83-684, the Agency has determined that for the purposes of this rule, any person who manufactures or processes the substance for a significant new use must report. Therefore § 721.5 will apply.

VIII. Recordkeeping

To ensure compliance with this rule, and to assist enforcement efforts, EPA is requiring under its authority in sections 5 and 8(a) of TSCA, in addition to the requirements in § 721.17, that the following records be maintained for five years after the date of their creation, by persons who manufacture or process P-82-684: (1) The names of persons required to wear protective equipment in accordance with paragraph (a)(2) of § 721.975, (2) the name and address of each person to whom the substance is sold or transferred and the dates of such sale or transfer, (3) records of respirator fit tests for each person required to wear a respirator in accordance with paragraph (a) of § 721.975 and (4) the method for determining that the gloves described in paragraph (a)(2)(i)(B) of § 721.975 are impervious to P-82-684, the date(s) of such determination and the results of that determination.

The Agency considered omitting recordkeeping requirements, but believes compliance monitoring for this SNUR would be made more difficult without them.

IX. Exemptions to Reporting Requirements

The Agency has promulgated exemptions to SNUR reporting requirements under § 721.19. In the case of P-82-684, the terms of § 721.19 apply without change.

EPA issued its final premanufacture notification rules under 40 CFR Part 720 which were published in the **Federal Register** of May 13, 1983 (48 FR 21722) including § 720.36 which contained detailed rules for the section 5(h)(3) exemption for chemical substances manufactured or imported in small quantities solely for research and development. On September 13, 1983 (48 FR 41132), EPA stayed the effectiveness of § 720.36, among other provisions of the PMN rule, pending further rulemaking to revise the provisions. Because § 720.36 was not in effect when EPA codified § 721.19, the Agency relied on the general definition of "small quantities solely for research and development" in § 720.3(cc) and section 5(h)(3) of TSCA to determine whether activities qualify under this exemption. Upon promulgation of a revised § 720.36, EPA intends to amend § 721.19 to adopt the provisions of the revised § 720.36.

Section 721.19(g) of the general SNUR provisions exempts persons from SNUR reporting when they manufacture or process the substance solely for export and label the substance in accordance with section 12(a)(1)(B) of TSCA. While EPA is concerned about worker exposure during manufacture and processing of the substance, EPA lacks the authority under section 12(a) of TSCA to require reporting of such manufacture or processing for a significant new use. EPA does not yet have sufficient information to make the "will present an unreasonable risk" finding necessary to regulate a substance manufactured or processed solely for export. However, persons must notify EPA of such export under section 12(b) of TSCA (see § 721.7 of the general SNUR Provisions). Such notification will allow EPA to monitor manufacture and processing activities which are not subject to significant new use reporting. The term "manufacture solely for export" is defined in the PMN rule (40 CFR 720.3(s)). The term "process solely for export" is defined in § 721.3 of the general SNUR provisions in a similar fashion. Thus a person would be exempt from reporting under this SNUR if the person manufactures (the term manufacture includes import) or processes the substance solely for export from the U.S. under the following restrictions: (1) There is no use of the substance in the U.S.; (2) processing is restricted to sites under the control of the manufacturer or processor, respectively; and (3) distribution in commerce is limited to purposes of export. If a person manufactured or processed the substance both for export and for use in the U.S., such manufacture and processing would not be "solely for export" because manufacture or processing would be for use in the U.S.

X. Applicability to Uses Which May Have Occurred Before Promulgation of Final Rule

To establish a significant new use rule, the Agency must, among other things, determine that the use is not ongoing. In this case, the chemical substance in question had just undergone premanufacture review. The Agency received no information that the significant new uses are ongoing. Therefore, at this time, the Agency has concluded that these uses are significant new uses.

As indicated in the proposal, EPA has found that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR. If uses begun during the proposal period were not considered to be significant new uses, it would be almost impossible for the Agency to establish SNUR notice requirements, since any person could defeat the SNUR by initiating the proposed significant new uses before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B).

Thus, even if the substance was imported, manufactured, or processed for a significant new use between proposal and promulgation of this rule, such activities may not continue after the effective date of this rule. Any such person must cease such activity until the person has complied with all SNUR notice requirements.

XI. Test Data and Other Information

EPA recognizes that under TSCA section 5, a person is not required to develop any particular test data before submitting a notice. Rather, a person is required only to submit test data in that person's possession or control and to describe any other data known to or reasonably ascertainable by that person. However, in view of the potential health risk that may be posed by a significant new use of P–82–684, EPA encourages possible SNUR notice submitters to test the substance's potential for carcinogenicity. The Agency believes that the results of a two-year rodent bioassay would adequately characterize possible carcinogenicity of the substance. If a SNUR notice is submitted for a use involving significant exposure without adequate test data, EPA is likely to take action under section 5(e). As an alternative to testing the substance, potential notice submitters may want to consider the use of personal protective equipment and/or other appropriate controls to reduce exposure to the substance.

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

EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new uses. In addition, EPA urges persons to submit information on potential benefits of the substance and information on risks posed by the substance compared to risks posed by potential substitutes.

XII. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for P–82–684. This evaluation is summarized in the preamble to the proposed rule. The complete economic analysis of this SNUR and other regulatory options is included in the rulemaking record and is available for public review.

XIII. Judicial Review

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

XIV. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50507A). A public version of this record from which CBI has deleted is available to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays, in the OTS Reading Room, Rm. E–107, 401 M St. SW., Washington, D.C.

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

1. The PMN for the substance.
2. The **Federal Register** notice of receipt of the PMN.
3. The proposed SNUR.
4. The economic analysis of this SNUR.
5. The section 5(e) consent order for the substance.
6. The new analysis prepared for the substance.
7. The detailed exposure assessment for the PMN review.
8. Public comments.
9. OMB comments and EPA's response.

XV. Regulatory Assessment Requirements

A. Executive Order 12291

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

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this rule will not have a significant economic impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this rule are likely to be small businesses. However, EPA believes that the number of small businesses affected by this rule would not be substantial even if all the potential new uses were developed by small companies. EPA expects to receive few SNUR notices for the substance.

C. Paperwork Reduction Act

Information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070–0012.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: October 12, 1984.

William D. Ruckelshaus,

Administrator.

PART 721—[AMENDED]

Therefore, Part 721 of Chapter I of Title 40 is amended by adding § 721.975 to read as follows:

§ 721.975 Derivative of tetrachloroethylene.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The following chemical substance referred to by its premanufacture notice number and generic chemical name is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section: Derivative of tetrachloroethylene, P–82–684.

(2) The significant new uses are: (i) Manufacture or processing without requiring use of the following by persons employed by or under the control of the manufacturer or processor who are involved in, and in the immediate area of, any operation where dermal contact and/or inhalation of the substance may occur:

(A) A respirator, approved by the National Institute for Occupational Safety (NIOSH) to provide protection against dusts having an air contamination level not less than 0.05 mg per cubic meter of air and fitted according to procedures established by the Occupational Safety and Health Administration and Mine Safety and Health Administration regulations and set forth at 29 CFR 1910.134, and 30 CFR Part II, respectively, and

(B) Gloves which are determined to be impervious to the substance under the conditions of potential exposure (gloves must be determined to be impervious to the substance either by testing the gloves under the conditions of exposure, including the duration of exposure, or by evaluating the data and specifications supplied by the glove manufacturer or others, in the context of the conditions of exposure including the duration of exposure, associated chemical substances, chemical and mechanical stresses, and potential durations of exposures.

(ii) Manufacture or processing without requiring that any container of the substance or of a formulation containing the substance be:

(A) Packaged to prevent any leakage of the substance to the environment.

(B) Labeled on the package that the substance should be handled only while using NIOSH approved respirators and impervious gloves.

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

(1) *Recordkeeping.* In addition to the requirements of § 721.17, manufacturers and processors of the substance identified in paragraph (a)(1) of this section must maintain the following records for five years from the date of their creation:

(i) The names of persons required to wear protective equipment in accordance with paragraph (a)(2) of this section.

(ii) The names and addresses of any person to whom the substance is sold or transferred and the dates of such sale or transfer.

(iii) Records of respirator fit tests for each person required to wear a respirator in accordance with paragraph (a)(2) of this section.

(iv) The method for determining that the gloves described in paragraph (a)(2) of this section are impervious to the substance, the date(s) of such determination, and the results of that determination.

(2) [Reserved]

(Sec. 5, 8, Pub. L. 94–469, 90 Stat. 2012 (15 U.S.C. 2604, 2607))

[FR Doc. 84–28198 Filed 10–24–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 799

[OPTS–42059; FRL–2626–7]

Identification of Specific Chemical Substance and Mixture Testing Requirements; 1,1,1-Trichloroethane

Correction

In FR Doc. 84–26713 beginning on page 39810 in the issue of Wednesday, October 10, 1984, make the following corrections:

1. On page 39810, first column, tenth line from the bottom, "develop mentally" should have read "developmentally".

2. On page 39812, first column, third complete paragraph, first line, "had" should have read "has". Also, in the eleventh line, "of" should have read "or".

3. On page 39813, first column, first complete paragraph, fourteenth line, "hepatoytes" should have read "hepatocytes".

4. On page 39816, second column, in line (2), "Supports" should have read "Support".

BILLING CODE 1505–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–41

[FPMR Amdt. G–67]

Eliminate Requirement To Certify Substitute Document

AGENCY: Office of the Comptroller, GSA.

ACTION: Final rule.

SUMMARY: This rule will permit carriers to submit substitute documents, such as Standard Form 1105, U.S. Government Freight Waybill, Original (original freight waybill), or SF 1205, U.S. Government Freight Waybill—Privately Owned Personal Property, Original (original freight waybill), for payment without requiring certification by the issuing office. Current certification requirements slow the billing and collection process for the carriers. This rule will also enable carriers to process and bill for transportation services more quickly.

EFFECTIVE DATE: October 25, 1984.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures and Review Branch, Office of Transportation Audits, 202–786–3014.

SUPPLEMENTARY INFORMATION: A proposed rulemaking was published in the Federal Register of March 5, 1984 (49 FR 8051), inviting comments for 30 days ending April 4, 1984.

General Services Administration (GSA), has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the

alternative approach involving the least net cost to society.

Discussion of Comments

GSA received timely comments from eight interested parties (two domestic household goods carriers, a household good foreign freight forwarder, an airline, one movers association, a small package express service and two Federal agencies). Of the eight filings, five from the carrier industry and one from a Federal agency supported adoption of the proposed rule. A second Federal agency suggested that one paragraph in 41 CFR 101–41 ("Issuing Office Records") be renumbered or its placement recordered to better conform with the proposed rule. The last party, a forwarding company, requested that (1) the U.S. Government Bill of Lading—Privately Owned Personal Property (SF 1203) be added to the proposal and (2) the Government pay only those industry certified substitute documents submitted by the originating "company." Paying only vouchers submitted by the originating "company," it was argued, would prevent unauthorized parties from billing the Government.

Determinations

Both the suggestion to reorder the placement of the "Issuing Office Records" paragraph and the request to have SF 1203's included in this rule have been adopted. It was not intended to exclude military household goods shipments from the original proposal. The inclusion of SF 1203 in the final rule rectifies that situation.

The suggestion that uncertified substitute documents be honored only if submitted by the originating "company" is in contravention of regulations which specify that payment must be made to the delivering carrier (41 CFR 101–41.302–3). In GSA's opinion, strict adherence to existing regulations minimizes the problem of unauthorized parties billing and receiving payment from the Government. Beyond that, billings by unauthorized parties is an industry problem to be resolved among various carriers and their agents.

During staffing of this rule, a suggestion was made to require a carrier statement on the back of any substitute document submitted in lieu of a lost SF 1203. The suggestor's intent was to make the carrier responsible for verifying that the original SF 1203 was lost/destroyed, thereby avoiding duplicate submission of bills for payment. In GSA's opinion, such a statement would duplicate the "Payee's Certificate" statement which already appears on the SF 1113, and for that reason, the suggestion has not been adopted.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Moving of household goods, Railroads, Transportation.

Title 41, Part 101–41 of the Code of Federal Regulations is amended as follows:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority for Part 101–41 is:

Authority: 31 U.S.C. 3726 and 40 U.S.C. 486(c).

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

2. The table of contents for Part 101–41 is amended by removing and reserving the following entry:

Sec.
101–41.307–3 [Reserved]

3. Section 101–41.307–1 is revised to read as follows:

§ 101–41.307–1 Substitute document.

When the original GBL (SF 1103) or original personal property GBL (SF 1203) is lost or destroyed, the billing carrier must use the original freight waybill (SF 1105 or SF 1205), properly certified by the carrier, as a substitute document for billing charges. Execution of the "Certification of Carrier Billing for Charges" on the substitute document is not required for charges billed under the exception procedures in § 101–41.312.

4. Section 101–41.307–2 is amended by removing paragraph (a) and redesignating and revising paragraph (b) to read as follows:

§ 101–41.307–2 Certification of substitute document.

The billing carrier shall enter on the reverse side of the substitute document a properly executed certificate of delivery showing all information required in the "Certificate of Carrier Billing for Charges" section on the face of SF 1103 or SF 1203.

5. Section 101–41.307–3 is removed and reserved as follows:

§ 101–41.307–3 [Reserved]

6. Section 101–41.307–6 is revised to read as follows:

§ 101–41.307–6 Lost GBL's and freight waybills (original).

When SF 1103 or SF 1203 and the original freight waybill (SF 1105 or SF 1205) are lost or destroyed, the carrier shall request from the issuing office a certified true copy of that office's memorandum copy (SF 1103–A or SF 1202–A) of the GBL. The issuing office shall make its certification regarding the services requested on the reverse of that copy and forward it to the carrier for certification of delivery and billing. The issuing office shall enter each certification of a substitute document in its GBL accountability record. Execution of the carrier's certificate of delivery on the substitute document is not required for charges billed under the exception procedures in § 101–41.312. If the lost GBL (original), personal property GBL (original), or freight waybill (original) is recovered, procedures in §§ 101–41.307–4 and 101–41.307–5, as applicable, shall be followed.

Dated: October 10, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84–28178 Filed 10–24–84; 8:45 am]

BILLING CODE 6820–AM–M

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41 CFR Part 105–61

[ADM 7900.2 CHGE. 25]

Public Use of Records, Donated Historical Materials and Facilities in the National Archives and Records Service; Fees

AGENCY: National Archives and Records Service, GSA.

ACTION: Final rule.

SUMMARY: This rule makes minor revisions in the schedule of fees charged by the National Archives and Records Service for the reproduction of archival records, donated historical materials, and records filed with the Office of the Federal Register. This rule corrects an address for obtaining information about materials sold by the National Audiovisual Center, clarifies the terms under which "rush" service is available, and deletes specific fees for color photographic negatives. Fees for color photographic negatives will be available on request under the provisions of § 105–61.5206(l).

EFFECTIVE DATE: October 25, 1984.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas, (202–523–3214)

SUPPLEMENTARY INFORMATION: A final rule comprising the full text of the fee schedule appeared in the **Federal Register** on March 15, 1984 (49 FR 9725). The General Services Administration has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100

million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net costs to society.

List of Subjects in 41 CFR Part 105–61

Archives and records.

For the reasons set out in the preamble, subpart 105–61.52 is amended as set forth below.

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE.

1. The authority citation for Part 105–61 reads as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Subpart 105–61.52—Fees

2. Section 105–61.5201 is amended by revising paragraphs (c)(2) and (c)(8) to read as follows:

§ 105–61.5201 Applicability.

* * * * *

(c) * * *

(2) Audiovisual materials sold by the National Audiovisual Center. Prices for these materials are available from the National Audiovisual Center (NEA), Washington, DC 20409.

* * * * *

(8) Customers may request expedited service for still and motion picture reproduction orders only. NARS will accept "rush" orders for these materials only after it determines that sufficient personnel are available to handle such orders. Rush orders are subject to a surcharge to cover the additional cost of providing expedited service.

3. Section 105–61.5206 is amended by revising paragraph (b)(1) to read as follows:

§ 105–61.5206 Fee schedule.

* * * * *

(b) * * *

(1) Copy negative:

4 in by 5 in (Black & White)	$5.00
8 in by 10 in (Black & White)	8.75

* * * * *

Dated: October 1, 1984.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 84–28179 Filed 10–24–84; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6576

[CA 7236, CA 10596, R 07752]

California; Partial Revocation of Secretarial Order of October 19, 1920, and Public Land Order No. 4690 of September 15, 1969

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes one secretarial order and one public land order as they affect 1,076.72 acres of public land withdrawn for the Bureau of Reclamation, Yuma and Coachella Division, Boulder Canyon Projects. This action will restore the lands to surface entry and mining. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: November 21, 1984.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, BLM California State Office, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 916–484–4431.

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

1. The Secretarial Order of October 19, 1920, and Public Land Order No. 4690 of September 15, 1969, are hereby revoked insofar as they affect the following described lands:

San Bernardino Meridian

T. 5 S., R. 7 E.,
Sec. 12, E½NE¼.
T. 6 S., R. 7 E.,
Sec. 32, S½NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼.
T. 6 S., R. 8 E.,
Sec. 2, lot 1 of the NE¼, W½ of lot 2 of the NE¼, E½ of lot 2 of the NW¼, W½NW¼SE¼, and W½SE¼SE¼.
T. 7 S., R. 8 E.,
Sec. 20, SW¼ and SW¼SE¼.
T. 8 S., R. 8 E.,
Sec. 4, NW¼ (unnumbered lots), SW¼, and W½SE¼;
Sec. 10, E½SW¼;
Sec. 14, W½SW¼ and SW¼SE¼.

The areas described aggregate 1, 076.72 acres in Riverside County.

2. At 10 a.m. on November 21, 1984, the lands will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 21, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on November 21, 1984, the lands will be opened to location under the United States mining laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: October 16, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84–28156 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 550, 552, 553, 555, 558, 559, 560, 561, 562, 564, 566, 568 and 569

Further Final Rules to Make Technical Changes in Subchapter C Regulations Affecting Maritime Carriers and Related Activities in Domestic Offshore Commerce; Correction

AGENCY: Federal Maritime Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects final rules in Subchapter C pertaining to the domestic offshore commerce that appeared in the **Federal Register** of Monday, October 1, 1984, beginning at 49 FR 38836. This action is necessary to correct typographical errors in authority citations and in the text of the regulations.

DATES: Subchapter C effective October 31, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 84–25836 beginning on page 38836 in the issue of Monday, October 1, 1984:

§ 550.1 [Corrected]

1. On page 33837, in the second column, in § 550.1(d), sixth line, "parts" should be "ports".

§ 550.3 [Corrected]

2. On page 38839, in the second column, immediately following § 550.3(k), "(1) [numeral] (l) [letter]" should read "(l) [letter] (1) [numeral]".

§ 550.5 [Corrected]

3. On page 38842, in the symbol display in § 550.5(b)(6)(i), the last listed symbol (to denote deletions) should be: "+ or (D)".

4. On page 38843, in the first column, in § 550.5(b)(8)(viii), in the third line, remove the word "independent" and in the fourth line, "§ 510.24(f)" should read "§ 510.23(d)".

5. On page 38843, in the second column, in § 550.5(b)(8)(xv)(A), in lines 12–14, "applicable to other standard container/trailers to those applicable to other container/trailers which might be" should read "applicable to standard container/trailers to those applicable to other container/trailers which might be".

§ 550.6 [Corrected]

6. On page 38845, in the first column, in § 550.6(i), in the 7th line, "its" should read "is".

§ 550.10 [Corrected]

7. On page 38846, in the third column, in § 550.10(e)(1), in the last line of quoted material, "(reduction)" should read "(reductions)".

§ 550.91 [Corrected]

8. On page 38849, in the third column, in § 550.91, the heading should read "OMB control numbers assigned pursuant to the Paperwork Reduction Act".

§ 552.5 [Corrected]

9. On page 38852, in the first column, in § 552.5(f)(2), after "(vii) Hawaii;" insert "(viii) Puerto Rico;".

§ 553.2 [Corrected]

10. On page 38856, in the third column, in § 553.2(d), in the last line, "NOTE" should read "NONE".

§ 553.6 [Corrected]

11. On page 38858, in the third column, in § 553.6(c)(8), in the fourth line, "B–II" should read "B–VII".

12. On page 38858, in the third column, in § 553.6(c)(11), in the first line, *"Transportation"* should read *"Transactions"*.

13. On page 38859, in the first column, in line 6 of § 553.6(e), "Exhibit D" should read "Exhibit C".

Part 561 Authority Citation [Corrected]

14. On page 38864, in the second column, in the Authority Citation to Part 561, "5 U.S.C. 533" should read "5 U.S.C. 553".

Part 568 Authority Citation [Corrected]

15. On page 38867, in the first column, in the Authority Citation to Part 568, "5 U.S.C. 533" should read "5 U.S.C. 553".

OMB Control Number sections [Corrected]

16. On pages 38850, 38856, 38859, 38862, 38864, 38865, 38866, 38867 and 38870, in §§ 550.91, 552.91, 553.91, 559.91, 560.91, 562.91, 564.91, 566.91 and 568.91, respectively, ["OMB control numbers assigned pursuant to the Paperwork Reduction Act"] in the second sentence of each, "section" should read "part".

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84–28078 Filed 10–24–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 84–470]

Revision To Reflect a Reorganization in the Office of Science and Technology

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Office of Science and Technology is proposing to consolidate and rename several branches to provide better management of related functions. In addition, all administrative and operational functions are being placed under the guidance and supervision of a Deputy Chief Scientist for Operations. Policy issues will remain the major area under the Deputy Chief Scientist for Policy.

EFFECTIVE DATE: September 16, 1984.

FOR FURTHER INFORMATION CONTACT: Karl Brimmer, 202–632–3906.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Organization and functions (government agencies).

Order

In the matter of revision of Part 0 of the Commission's Rules to reflect a reorganization in the Office of Science and Technology.

Adopted: August 7, 1984.

Released: October 4, 1984.

By the Commission.

1. The Commission is adopting an Order in the above-captioned proceeding to revise its organizational rules to reflect a reorganization in the Office of Science and Technology. Accordingly, certain organizational unit titles have been changed or added requiring amendment to Part 0 of the Commission's Rules.

2. Authority for this action is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules. Since the amendments are editorial in nature the public notice, procedure and effective date provisions of 5 U.S.C. 533 do not apply.

3. In view of the above, it is ordered, that § 0.32 of the Commission's Rules is amended in accordance with the attached appendix, effective September 16, 1984.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—[AMENDED]

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.32 is revised to read as follows:

§ 0.32 Units in the Office.

The Office of Science and Technology is comprised of the following units:

(a) Immediate Office of the Chief Scientist;

(b) Deputy Chief Scientist for Operations;

(1) Administation and Management Staff;

(2) International Staff;

(3) Authorization and Standards Division;

(4) Technical Analysis Division;

(5) Spectrum Management Division;

(c) Deputy Chief Scientist for Policy.

[FR Doc. 84–28136 Filed 10–24–84; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 84-7; RM-4612]

FM Broadcast Station in Mexico Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein, at the request of Betty N. Neisler, assigns Channel 257A to Mexico Beach, Florida, as that community's first FM service.

DATE: Effective: December 26, 1984.

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

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mexico Beach, Florida), MM Docket No. 84-7, RM-4612.

Adopted: October 15, 1984.
Released: October 19, 1984.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 3223, published January 26, 1984, proposing the assignment of Channel 257A to Mexico Beach, Florida, as that community's first FM service. The *Notice* was adopted in response to a petition filed by Betty N. Neisler ("petitioner"). Petitioner filed supporting comments reaffirming an intention to apply for the channel, if assigned. No other comments were received.

2. The Commission believes the public interest would be served by the assignment of Channel 257A to Mexico Beach, Florida, in order to provide a first FM service to the community. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. Accordingly, pursuant to the authority contained in sections 4(i), 4(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective December 26, 1984, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended for the following community:

City	Channel No.
Mexico Beach, FL	257A

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-28139 Filed 10-24-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-374; RM-4293; RM-4484]

TV Broadcast Stations in Reno, NV and Redding, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Television Table of Assignments by assigning VHF channel 11 to Reno, Nevada, in response to a petition filed by Harry C. Powell, Jr. The assignment could provide Reno with its seventh television service. This action also denies a request by Sarkes Tarzian, Inc. to assign Channel 11 to Redding, California.

DATE: Effective: December 26, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Reno, Nevada and Redding, California[1] MM Docket No. 83-374, Rm-4293, RM-4484.)

Adopted: October 15, 1984.
Released: October 19, 1984.

By the Chief, Policy and Rules Division.

Introduction

1. The Commission has before it (1) the *Notice of Proposed Rule Making* (48 FR 18844, published April 26, 1983) proposing to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, by assigning VHF TV Channel 11 to Reno, Nevada, in response to a petition filed by Harry C. Powell, Jr. ("petitioner") and (2) a counterproposal to assign Channel 11 to Redding, California, filed by Sarkes Tarzian, Inc. ("STI"). Petitioner and Donrey of Nevada, Inc. ("Donrey") filed comments in response to the *Notice*. Reply comments were filed by William N. Denton ("Denton"), by High Sierra Telecasters ("High Sierra"), by Sacramento Valley Television, Inc. ("Sacramento Valley"), and by Golden Empire Broadcasting Company, Inc. ("Golden Empire"). STI submitted late-filed comments, and Sacramento Valley, Golden Empire, and STI submitted pleadings pertaining to the late filing.

Background

2. Petitioner restates his intention to apply for authority to construct and operate a station on Channel 11 at Reno. STI and Donrey, licensees of television stations at Reno, oppose such an assignment and proffer alternatives. STI indicates that it intends to apply for Channel 11 if assigned to Redding.

3. In support of its counterproposal, STI argues first that, based on population and current television service, an assignment to Redding is preferable to one at Reno. STI notes that, although the populations of Redding (41,995) [2] and Shasta County (115,715) are about forty percent as large as the populations of Reno and Washoe County, respectively, the former are experiencing "impressive" growth. According to STI, in 1960 the Commission determined that the Redding market (including Chico, California) "deserved" a second commercial VHF assignment. STI points out that although Arbitron has designated a Chico-Redding ADI (with 141,000 television households and a ranking of 140), which is lower than Reno (with 158,200 television households and a ranking of 125), the Chico-Redding market has only two commercial stations as opposed to five commercial and one noncommercial stations serving Reno.

4. Second, STI argues that its counterproposal would provide both a second local commercial service to a "substantial" population as well as a first local competitive service. Third, STI contends that Reno, in contrast to Redding, has both UHF and VHF commercial service and that another

[1] This community has been added to the caption.

[2] Population data is derived from the 1980 United States Census.

VHF assignment at Reno would upset the VHF–UHF mixture as well as the halt UHF development there.

5. Donrey, whose Reno station utilizes Channel 11 for translator service to shadowed areas, indicates, without elaboration, that petitioner is a Florida resident who has filed "similar" petitions concerning other communities. While not objecting to additional Reno Assignments, Donrey urges use of the UHF band, especially since it believes that there is no compelling need to assign Channel 11. Donrey claims that a UHF channel would be a "material" and "positive" development for UHF service at Reno, whereas the proposed assignment would create an "imbalance" among the existing stations.

6. Replying to STI, Denton notes that there are "vast difference(s)" in both population and population growth between Reno and Redding and that STI has failed to account for Reno's "large" visitor population. Denton argues that the Commission has previously stated that the provision of a first or second television service is a high priority, citing *Sixth Report and Order on Television Allocations*, 41 F.C.C. 148, 167 (1952). According to Denton, the proposed assignment at Reno would serve "significant" unserved and underserved areas in and around Susanville, California, whereas a Redding station would only serve a small underserved area with a small population.

7. In response to Donrey's comments, Denton claims that it is impossible to serve unserved and underserved areas with a UHF facility at Reno and that Donrey could serve shadowed areas with a UHF translator. Noting the "secondary" status of translators, Denton argues that translator use of Channel 11 must yield to a new full-service facility. Denton disagrees with Donrey's claim that existing UHF stations at Reno would benefit from a new UHF assignment there. Denton indicates that UHF service at Reno is developed, as all television sets receive UHF signals, and viewers have become attuned to UHF programming. Finally, Denton asserts that the introduction of additional VHF competition at Reno is not sufficient reason to deny the Channel 11 proposal.

8. High Sierra supports the assignment of Channel 11 at Reno, asserting that Donrey's suggestion to substitute a UHF assignment is motivated by its translator use of Channel 11. According to High Sierra, Translator service is subsidiary to primary service, and other channels are available at Reno for translator use. As to STI's counterproposal, High Sierra notes that Redding's 1980 population was less than one-half that of Reno's and that two VHF commercial stations serve the Chico-Redding market which, like Reno, will soon become intermixed.

9. Sacramento Valley opposes the Redding Counterproposal, asserting that STI is attempting to avert competition to its station. Sacramento Valley also asserts that Chico and Redding constitute a single market which is served by four commercial stations, by several cable television systems, and by another potential commercial station from nearby Paradise, California. According to Sacramento Valley, most of Redding's population increases are the result of annexation, whereas Reno, which is situated near the state capital, has experienced significant population growth. Sacramento Valley claims that Reno's existing UHF stations would not be adversely affected by a Channel 11 assignment and that even if they were, that is a matter for consideration at the application stage and not in a rule making proceeding, citing *Honolulu and Kailua-Kona, Hawaii*, 52 R.R. 2d 595, 600 (1982). Sacramento Valley argues that the proposed assignment would not preclude assignments to any community over 5,000 in population except Susanville, whereas a Redding assignment would preclude service to Fort Bragg and to Fortuna, California. According to Sacramento Valley, there is, thus, no justification for the counterproposal under Section 307(b) of the Communications Act. Finally, Sacramento Valley asserts that the Commission should consider the rough terrain that characterizes the Reno, Fort Bragg, and Fortuna areas and the fact that VHF channels are more efficient than UHF channels in such circumstances. In contrast, Sacramento Valley states that no similar geographical limitations exist at Redding. Accordingly, it suggests that the Commission consider assigning an available UHF channel at Redding instead of VHF Channel 11.

10. STI's counterproposal is opposed by Golden Empire, licensee of Station KHSL–TV, Channel 12, Redding. Golden Empire claims that interference from adjacent Channel 11 would "eliminate" its own service in a "significant" area and deprive over 100,000 viewers of Channel 12 service. Additionally, Golden Empire asserts that "heavy" interference from Channel 11 would render a "large number" of commnunity-owned translators carrying its own signal useless and would also adversely impact "nearly 80" cable television systems. It is asserted, without elaboration, that the counterproposal would also adversely affect UHF development in the area. Noting the availability of UHF channels for assignment at Redding, Golden Empire argues that the counterproposal would not benefit the public interest. Alternatively, Golden Empire states that, whereas an assignment of Channel 11 at Reno would also lead to a diminution of its service area, it would not do so in the Chico-Redding market and would not, like a Redding assignment, be "fatal" to Channel 12. Finally, Golden Empire claims that representatives of the public as well as cable and translator operators also object to the Redding counterproposal.

11. The comments and reply comments noted above were submitted on or before the comment deadlines.[3] Thereafter, STI filed a "Petition for Leave to File Response to Reply Comments," asserting that the reply comments raised "substantive issues pertinent to engineering considerations as well as factual and legal matters" and that consideration of its late-filed response will enable the Commission to have a "full and complete picture of the matters to be decided." In response, Sacramento Valley and Golden Empire submitted opposition comments to which STI, in turn, submitted a request to file further comments. The arguments set forth in STI's late-filed pleadings for the most part either restate contentions previously advanced by STI or rest on information which was apparently available to STI prior to the comment deadline.[4]

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[3] As set forth in the *Notice*, the deadlines for submitting comments and reply comments were May 31 and June 15, respectively. In response to motions for extensions of time filed by Donrey and by Golden Empire, the Commission subsequently extended the reply comment deadline through July 15, 1983. This deadline was further extended by Commission action through July 25, 1983, in response to a request of Golden Empire.

[4] STI asserts that the counterproposal would provide Redding with its second local commercial television service, whereas an assignment at Reno would provide that community with its sixth local station. STI maintains that Chico and Redding are separate markets for assignment purposes, and, even if considered a hyphenated market, a Channel 11 assignment at Redding would provide a fourth commercial station. STI claims that, in light of the relatively slight difference in the number of television households between Reno and Redding and in light of the fewer existing television services to the latter, an assignment at Redding is fairer and a more efficient use of the spectrum. As to Sacramento Valley's reply comments, STI indicates that Channel 11 cannot be assigned to both Fort Bragg and to Fortuna, that there is no interest in an assignment at either community, and that preclusion is not a consideration in rule making proceedings. STI states that a station operating on Channel 11 at Reno from the transmitter site presumed by Denton could not serve the unserved areas claimed by Denton, and, further, that site is unlikely, because it would require reorientation of most Reno receiving antennae. STI contends that, contrary to Golden

Continued

Discussion

12. Pursuant to the Commission's priorities for assigning television channels, as set forth in its *Sixth Report and Order, supra* at 167, provision of at least one television service to all parts of the United States is of the highest priority. Denton's reply comments contain a showing that a Channel 11 transmitter at Reno would provide such service. Specifically, Denton indicates that a Reno station could provide a first commercial television service to 19,265 people within a 2,960 square mile area as well as a second service to 19,865 people within a 2,816 square mile area, whereas a Redding station could provide no first service and a second service to 11,509 people within a 1,805 square mile area. An examination of Denton's study by the Commission's staff supports these contentions. On this basis, it appears that petitioner's proposal to assign Channel 11 at Reno is preferable to STI's counterproposal.

13. Other contentions raised in the comments are not persuasive that other alternatives are preferable. While, as STI notes, the Commission has previously indicated that a second VHF assignment at Redding was meritorious, see *Susanville, Alturas and Redding, California*, 21 R.R. 1506 (1960), that decision was predicated on a choice between conflicting petitions for VHF assignments at Redding and at Susanville and not, as here, between Redding and Reno. The comments contain no substantive showing that another VHF assignment at Reno would upset the mix of VHF and UHF stations there and/or halt the development of UHF in that community. In amending the TV Table of Assignments, the Commission no longer needs to consider the impact on existing UHF stations. See *Springfield Television of Utah, Inc.* v. *F.C.C.*, 710 F. 2d 620 (10th Cir. 1983). Rather, the matter of UHF impact is more appropriately considered at the application, as opposed to the rule making, stage. See *UHF TV Top 100 Market*, 81 F.C.C. 2d 233 (1980). As for Donrey's request that an additional television assignment at Reno should be on a UHF frequency, a UHF station could not provide the first and second service to the extent a station operating on Channel 11 could.

14. In light of our determination that an assignment of Channel 11 to Reno is preferable to the Redding counterproposal, and because STI's late-filed pleadings restate previous arguments or rest on information previously available, it is unnecessary and would be unfair to the other parties and contrary to the Rules to consider them. Accordingly, we have also not considered the oppositions which relate to those late-filed comments.

15. Accordingly, pursuant to authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.204(b) of the Commission's Rules, it is ordered, That effective December 26, 1984, the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) is amended as follows for the community listed:

City	Channel No.
Reno, NV	2, 4, *5, 8, 11, 21+, and 27+.

16. It is further ordered, That the counterproposal of Sarkes Tarzian, Inc. to assign UHF Television Channel 11 to Redding, California, is denied.

17. It is further ordered, That this proceeding is terminated.

18. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–28138 Filed 10–24–84; 8:45 am]

BILLING CODE 6712–01–M

Empire's comments, although the counterproposal would reduce service from channel 12, no areas would lose television service, because service from Channel 11 would be substituted. STI further contends that Golden Empire exaggerated and failed to support its claims concerning the number of cable systems and translators affected by the proposal, that network service would not be lost, that the public commenters were not aware of the limited number of cable systems and translators which would be affected by an assignment at Redding, and that such effects on secondary services are not grounds to deny a channel assignment. STI also questions various "undocumented" assertions in Golden Empire's reply comments. STI filed additional late comments questioning engineering conclusions set forth in Golden Empire's opposition to the initial late-filed comments.

47 CFR Part 78

[Gen. Dockets 82–334 and 79–188; FCC 84–389]

Establishment of Spectrum Utilization Policy and Amendment to Commission Rules Regarding Digital Termination Systems

Correction

In FR Doc. 84–24597, beginning on page 37760 in the issue of Wednesday, September 26, 1984, make the following correction: On page 37779, column one, in § 78.18, in the table in paragraph (a)(4)(ii), the second entry under the heading "Receive (transmit) (MHz)" should read "18367.0".

BILLING CODE 1505–01–M

DEPARTMENT OF ENERGY

48 CFR Ch. 9

Acquisition Regulations

Correction

In FR Doc. 84–26105, beginning on page 38949 in the issue of Tuesday, October 2, 1984, make the following corrections: On page 38952, the first two lines of column one should have read "Plan' from 'FAR 52.219–9' to 'DEAR 952.219–9' where they appear in the preamble to".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 24

Designated Ports for Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This document designates ports for the purpose of importing, exporting, and reexporting plants under the Endangered Species Act of 1973, as amended (ESA). It is necessary to designate ports for plants in order to implement provisions of the ESA. The effect of this rule, with certain exceptions, is to require that plants be imported, exported, or reexported only at certain designated ports.

EFFECTIVE DATE: November 26, 1984.

FOR FURTHER INFORMATION CONTACT: Kathleen King, Division of Law Enforcement, U.S. Fish and Wildlife Service, Suite 300, 1375 K Street, N.W., Washington, D.C. 20005, (202) 343–9242.

SUPPLEMENTARY INFORMATION:

Background

On February 28, 1983, the Fish and Wildlife Service ("Service") published a rulemaking document in the Federal Register (48 FR 8314) proposing, pursuant to the Endangered Species Act of 1973, as amended ("ESA"; 16 U.S.C. 1531 *et seq.*), to designate a limited number of ports for the importation, exportation, or reexportation of endangered or threatened plants which are listed in 50 CFR 17.12 or 23.23 and

which are required to be accompanied by documentation under 50 CFR Parts 17 and/or 23 (referred to below as "listed plants") and to designate a larger number of ports for the importation, exportation, or reexportation of nonlisted plants. This document adopts the proposal as a final rule except for changes discussed below.

With certain exceptions, the provisions of 50 CFR Parts 17 and 23 provide that listed plants may be imported, exported, or reexported only if, among other things they are accompanied by certain documentation. It is necessary to conduct inspections to determine whether listed plants are accompanied by required documentation and to take any other necessary enforcement action. Section 9(f)(1) of the ESA (16 U.S.C. 1538(f)(1)) requires, among other things, that plants be imported, exported, or reexported only at designated ports, or, under limited circumstances, at nondesignated ports. This was intended to ensure that all plants moving through ports would be subject to an inspection system designed to recognize listed plants required to be accompanied by documentation.

The designation of ports is based on the availability of personnel and facilities of the U.S. Department of Agriculture ("USDA"). This is because USDA is responsible under section 3(15) of the ESA (16 U.S.C. 1532(15)) for inspection and other enforcement activities under the ESA which pertain to the importation, exportation, or reexportation of terrestrial plants.

Plants are terrestrial or marine; however, all plants currently listed are terrestrial plants. It is also necessary for USDA to conduct enforcement activities at ports with respect to marine plants in order to assure adequate conduct of its enforcement responsibilities with respect to terrestrial plants. In particular, it is necessary to conduct inspections of plants that are marine plants, or are purported to be marine plants, in order to lessen possibilities that a listed terrestrial plant required to be accompanied by documentation would be moved through a port incorrectly identified as a marine plant.

USDA currently conducts an extensive enforcement program at many ports under the Federal Plant Pest Act, as amended ("Federal Plant Pest Act," 7 U.S.C. 150aa *et seq.*) and the Plant Quarantine Act, as amended ("Plant Quarantine Act," 7 U.S.C. 151 *et seq.*) for the purpose of preventing the introduction into the United States of certain plant diseases, injurious insects, and other plant pests. This program involves inspections and other enforcement activities concerning all types of articles, including terrestrial plants and marine plants. The establishment of designated ports for plants under the ESA is coordinated with those ports currently utilized by USDA under the Federal Plant Pest Act and the Plant Quarantine Act.

The Service proposed that the following 14 ports be designated under the ESA for the importation, exportation, or reexportation of any listed plant:

Nogales, Arizona
Los Angeles, California
San Diego, California
San Francisco, California
Miami, Florida
Honolulu, Hawaii
New Orleans, Louisiana
Hoboken, New Jersey (Port of New York)
Jamaica, New York
San Juan, Puerto Rico
Brownsville, Texas
El Paso, Texas
Laredo, Texas
Seattle, Washington

Also, the Service proposed that the following 7 ports be designated under the ESA for certain listed plants as follows:

Hilo, Hawaii, and Chicago, Illinois, for the importation, exportation, or reexportation of plants of the family Orchidaceae (Orchids);

Milwaukee, Wisconsin, for the importation, exportation, or reexportation of roots of American ginseng (*Panax quinquefolius*); and

Detroit, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington, for the importation from Canada of plants and for the exportation or reexportation to Canada of plants.

The Service also proposed to list 88 USDA ports (these USDA ports include the above-mentioned 21 ports and are listed in 7 CFR 319.37–14) and all U.S. Customs ports on the United States-Canadian border (Customs designated ports of entry are listed in 19 CFR Part 101) as designated ports under the ESA for the importation, exportation, or reexportation of nonlisted plants.

Comments Received and Public Hearing

The Service received 18 comments on the proposal. These included comments received at a public hearing held on March 23, 1983. Commenters included State and Federal agencies, conservation groups, and private individuals. Each comment has been considered in preparing this final rule. In addition, the Service has relied upon the recommendations of USDA in preparing the final rule because USDA is the best source of information concerning resources needed and available for USDA to fulfill its enforcement responsibilities under the ESA.

The comments are summarized in detail by topic and discussed below including the Service's response and any significant changes to the proposal that appear in the final rule.

General Comments

Most of the comments expressed strong support for the proposal. Many of these comments asserted that the designation of a limited number of ports with properly trained personnel is a necessary measure in reducing illicit trade in listed plants.

One comment asserted that the designation of ports is unnecessary, will cause confusion as to which ports can be used, and will confound an existing efficient system. The Service disagrees with this comment. The designation of ports is mandated by section 9(f) of the ESA. Further, the Service believes that by having sufficiently trained personnel at designated ports the existing USDA enforcement program will operate more efficiently and effectively and will help to prevent illegal international trade in listed plants.

Request for Additional Plant Identifiers

Several comments which supported the proposal noted that at the present time USDA has only six plant identifiers (botanists). These comments urged USDA to hire additional personnel, suggesting that a plant identifier be located at each of the 14 ports where any listed plant may be imported, exported or reexported.

USDA has advised the Service that it can adequately discharge its enforcement responsibilities under the ESA and the Convention on International Trade in Endangered Species of Wild Fauna and Flora by utilizing existing personnel. Presently, the policy of USDA is to locate plant identifiers where there is the greatest volume of shipments of listed plants. The six plant identifiers are stationed at six of the 14 ports where any listed plant may be imported, exported, or reexported. The remainder of the 14 ports do not have the volume of traffic in plants to warrant a full time plant identifier. However, USDA has advised the Service that in those locations where an identifier is not present, USDA will take action as necessary concerning the identification of plants, such as making arrangements for consulting with botanists at academic institutions on an "as needed basis," and arranging for plant identifiers in the field or other USDA botanists to be available to render assistance to personnel at any port needing assistance in plant identification.

Requests for the Designation of Additional Ports

One commenter requested that St. Louis, Missouri, be listed as a designated port for the exportation of roots of American ginseng (*Panax quinquefolius*). The commenter noted that under current procedures, roots of American ginseng exported to Hong Kong are inspected in St. Louis by USDA officers just prior to shipment. The commenter presented data indicating that approximately 34,200 pounds of roots of American ginseng valued at $4,465,000 was exported from St. Louis during the 1982/83 growing season and further asserted that it would cause substantial hardship if roots of American ginseng were not allowed to be exported from St. Louis.

Another commenter requested that Atlanta, Georgia, Chicago, Illinois, and Baltimore, Maryland be designated as ports for the exportation of roots of American ginseng.

USDA recommends and the Service agrees that Atlanta, Georgia; Chicago, Illinois; Baltimore, Maryland; and St. Louis, Missouri, should be designated ports for the importation, exportation, or reexportation of roots of American ginseng. USDA has advised the Service that the existing personnel and facilities are adequate to handle shipments of roots of American ginseng. Therefore, the final rule includes these four ports as designated ports for roots of American ginseng.

Based on the proposal, Dallas-Ft. Worth, Texas, is included in the final rule as a designated port for nonlisted plants. A commenter requested that Dallas-Ft. Worth also be included as a designated port for the importation, exportation, or reexportation of listed plants. The commenter stated that the majority of southwest U.S. importers and exporters would experience hardship and undue expense if this location were not listed as a designated port for all listed plants.

USDA recommends and the Service agrees that Dallas-Ft. Worth should not be designated as a port for the importation, exportation, or reexportation of listed plants. USDA indicated that if Dallas/Ft. Worth were designated as a port for the importation, exportation or reexportation of listed plants, new facilities would have to be constructed and personnel would have to be shifted from another port to accommodate Dallas-Ft. Worth. There does not appear to be a basis for taking such action. The Service is not aware of any specific data establishing an apparent need to designate Dallas-Ft. Worth for the importation, exportation or reexportation of listed plants. In addition, this document, based on the proposal, designates three ports in Texas as designated ports under the ESA for the importation, exportation, or reexportation of all listed plants. These ports are Brownsville, El Paso, and Laredo. There already exists an established trade for plants imported at these three ports.

Fairfield, California (Travis AFB)

It was proposed to include "Fairfield, California (Travis AFB)" as a designated port for the importation, exportation, or reexportation of nonlisted plants. However, USDA has advised the Service that they no longer have personnel and facilities at that location. Therefore, this location is not included as a designated port in the final rule.

Miscellaneous Changes

The Service has made several other changes to the text of the final rule.

A "purpose" section is added to state that the regulations are for the purpose of establishing designated ports for the importation, exportation and reexportation of plants.

Also, a "scope" section is added. The "scope" section provides that regulations established by this document are in addition to, and do not supersede other regulations administered by the U.S. Department of Interior (USDI) in 50 CFR Chapter I. The "scope" section also contains information which was previously set forth in the proposal as a footnote. In this connection, the "scope" section notes that USDA administers the Plant Quarantine Act, the Federal Plant Pest Act and the Federal Noxious Weed Act of 1974 (7 U.S.C 2801 *et seq.*), which contain authority for additional prohibitions and restrictions, including additional port of entry requirements on the importation of plants subject to the regulations established by this document (see 7 CFR Chapter III for regulations containing prohibitions and restrictions under these authorities).

In addition, the Service added a section entitled "General Restrictions" to the final rule to state that it is unlawful to import, export, or reexport plants at any place other than a designated port in accordance with the provisions of the regulations unless specifically allowed at a nondesignated port under the criteria set forth in section 9(f)(1) of the ESA.

Treasury Department Approval to Designate Proposed Ports

Section 9(f)(1) of the ESA also provides, in part that:

> For the purpose of facilitating enforcement of this chapter and reducing the costs thereof, the Secretary of the Interior, with approval of the Secretary of the Treasury and after notice and opportunity for public hearing, may, by regulation, designate ports and change such designations.

Approval from the Secretary of the Treasury was obtained in accordance with these provisions.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. *et seq.*).

Determination of Effects of Rule

The Service has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291. The Service has also determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The regulations would not cause a significant impact on the importation of plants because the ports designated are consistent with current trade patterns in these plants. Additionally, almost all of the affected plants are presently imported through the designated ports because of USDA regulations in 7 CFR Chapter III. Further, there is authority for the Secretary of the Department of the Interior to allow the importation, exportation, or reexportation of plants at nondesignated ports under such terms and conditions as the Secretary of USDI may prescribe if it is determined that it would be in the interest of the health or safety of the plants or if for other reasons it is determined to be appropriate and consistent with the purpose of section 9(f)(1) of the ESA.

These determinations are discussed in more detail in a Determination of Effects which has been prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption **FOR FURTHER INFORMATION CONTACT.**

National Environmental Policy Act

An environmental assessment has been prepared by the Animal and Plant Health Inspection Service of USDA. The Service adopts USDA's assessment, and the Fish and Wildlife Service has determined that this is not a major Federal action within the meaning of Section 102(2)(c) of the Environmental Policy Act of 1969 which would significantly affect the quality of the human environment. The Service's

environmental assessment and finding of no significant impact are on file in the Division of Law Enforcement, 1375 K Street, NW., Suite 300, Washington, D.C. 20005, and may be examined during regular business hours. Single copies are also available upon request by contacting the person identified above under the caption **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 50 CFR Part 24

Import, Export, Plants.

For the reasons set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is amended by adding a new Part 24 to read as follows:

PART 24—IMPORTATION AND EXPORTATION OF PLANTS

Subpart A—Introduction

Sec.

24.1 Purpose of regulations.
24.2 Scope of regulations.

Subpart B—Importation and Exportation at Designated Ports

24.11 General restrictions.
24.12 Designated ports.

Authority: Secs. 9(f)(1), 11(f), Pub. L. 93-205, 87 Stat 893, 897 (16 U.S.C. 1538(f)(1), 1540(f)).

Subpart A—Introduction

§ 24.1 Purpose of regulations.

The regulations contained in this part are for the purpose of establishing ports for the importation, exportation and reexportation of plants.

§ 24.2 Scope of regulations.

The provisions in this part are in addition to, and do not supersede, other regulations in this chapter. Also, the U.S. Department of Agriculture administers the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), which contain authority for additional prohibitions and restrictions, including additional port of entry requirements, for the importation or exportation of plants (See 7 CFR Chapter III for regulations containing prohibitions and restrictions under these authorities).

Subpart B—Importation and Exportation at Designated Ports

§ 24.11 General restrictions.

No person shall import, export, or reexport plants at any place other than at a port designated in 24.12 (hereinafter "designated port") in accordance with the provisions of this Part, unless otherwise specifically authorized by the Service at a nondesignated port in accordance with section 9(f)(1) of the Endangered Species Act of 1973, as amended.

§ 24.12 Designated ports.

(a) The following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants which are listed in 50 CFR 17.12 and/or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 and/or 23:

Nogales, Arizona
Los Angeles, California
San Diego, California
San Francisco, California
Miami, Florida
Honolulu, Hawaii
New Orleans, Louisiana
Hoboken, New Jersey (Port of New York)
Jamaica, New York
San Juan, Puerto Rico
Brownsville, Texas
El Paso, Texas
Laredo, Texas
Seattle, Washington

(b) The U.S. Department of Agriculture ports at Hilo, Hawaii, and Chicago, Illinois, are designated ports for the importation, exportation, or reexportation of plants of the family Orchidaceae (orchids) which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23.

(c) The U.S. Department of Agriculture ports at Atlanta, Georgia; Chicago, Illinois; Baltimore, Maryland; St. Louis, Missouri; and Milwaukee, Wisconsin; are designated ports for the importation, exportation or reexportation of roots of American ginseng (*Panax quinquefolius*) listed in 50 CFR 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23.

(d) The U.S. Department of Agriculture ports at Detroit, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington, are designated ports for the importation from Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23, and for the exportation or reexportation to Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23.

(e) All U.S. Customs designated ports of entry on the United States-Canadian border (Customs designated ports of entry are listed in 19 CFR Part 101) and the following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants not required to be accompanied by documentation under 50 CFR Part 17 or 23:

Mobile, Alabama
Anchorage, Alaska
Nogales, Arizona
Phoenix, Arizona
San Luis, Arizona
Tucson, Arizona
Calexico,Arizona
Los Angeles, California
San Diego, California
San Francisco, California
San Pedro, California
Denver, Colorado
Wallingford, Connecticut
Dover, Delaware (Dover AFB)
Wilmington, Delaware
Washingtion, District of Columbia
Jacksonville, Florida
Key West, Florida
Miami, Florida
Pensacola, Florida
Cape Canaveral, Florida
Port Everglades, Florida
Tampa, Florida
West Palm Beach, Florida
Atlanta, Georgia
Savannah, Georgia
Agana, Guam
Hilo, Hawaii
Honolulu, Hawaii
Wailuku Maui, Hawaii
Chicago, Illinois
Baton Rouge, Louisiana
New Orleans, Louisiana
Bangor, Maine
Portland, Maine
Baltimore, Maryland
Boston, Massachusetts
Detroit, Michigan
Duluth, Minnesota
St. Paul, Minnesota
Kansas City, Missouri
St. Louis, Missouri
Hoboken, New Jersey
McGuire AFB, New Jersey
Albany, New York
Buffalo, New York
New York, New York
Jamaica, New York
Rouses Point, New York
Morehead City, North Carolina
Wilmington, North Carolina
Cleveland, Ohio
Astoria, Oregon
Coos Bay, Oregon
Portland, Oregon
Philadelphia, Pennsylvania
Hato Rey, Puerto Rico
Mayaguez, Puerto Rico
Ponce, Puerto Rico
Roosevelt Roads, Puerto Rico
San Juan, Puerto Rico
Warwick, Rhode Island
Charleston, South Carolina
Memphis, Tennessee
Brownsville, Texas
Corpus Christi, Texas
Dallas-Ft. Worth, Texas
Del Rio, Texas

Eagle Pass, Texas
El Paso, Texas
Galveston, Texas
Hidalgo, Texas
Houston, Texas
Laredo, Texas
Port Arthur, Texas
Presidio, Texas
Progreso, Texas
Roma, Texas
San Antonia, Texas
St. Croix, Virgin Islands of the United States
St. Thomas, Virgin Islands of the United States
Newport News, Virginia
Norfolk, Virginia
Blaine, Washington
Tacoma, Washington (McChord AFB)
Seattle, Washington
Milwaukee, Wisconsin

Dated: September 6, 1984.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-28004 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 49, No. 208
Thursday, October 25, 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 Ch. I

[Summary Notice No. PR-84-11]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part II), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before, December 24, 1984.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on October 19, 1984.

John Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
24247	Newton Miller	*Description of the petition*—The proposed change to the Federal Aviation Regulations has two parts: First, the change would decrease the number of hours a pilot must log each six months in simulated or actual instrument flight to remain legally current for IFR operations. It would, however, increase the required number of instrument approaches. Second, the active instrument flight instructor would be provided an additional avenue to maintain his IFR currency, namely through instrument instruction. *Regulations affected:* 14 CFR 61.57(e) *Petitioners reason for rule:* 1. The present currency requirements for IFR flight too heavily stress the time to be spent in flight by instrument reference; it is not flight by instrument reference *by itself* that is the pilot's greatest challenge. 2. The present rules give minimal emphasis to the execution of the instrument approach, which is the pilot's greatest challenge and which integrates all the IFR skills he needs to maintain proficiency in one complex series of events. 3. The current requirements are onerous for many instrument pilots, who must either a. fudge, and fly when not legally current, which action puts the pilot in the unpleasant position of violating the FAR; or b. pay an authorized individual to administer an instrument competency check, which does not give the pilot as much exposure or as much practice in the ATC system as he would receive even under the proposed new rules. In short, the present rules encourage a competent pilot to fly while not legally current. The new rules could encourage pilots to maintain proficiency on their own, since the new rules are both more reasonable in scope and more productive in terms of practice and experience gained. 4. The flight instructor who gives instrument training may fail to accrue enough instrument time to qualify for currency under the present rules, even though he above others is skilled, practiced, and sharp as a result of his teaching activity. The proposed rule would recognize instrument instruction as a valid means to maintain IFR currency.
23910	Washington Legal Foundation	*Description of petition:* To promulgate a rule or rules promoting a zero-illicit drug use policy for airmen. Specifically, that the rule include a requirement that (1) present airmen provide written acknowledgment under oath that they do not and will not use illegal drugs on or off duty; (2) stricter medical and security reviews of newly hired airmen; (3) a program of mandatory random urinalysis and blood testing of airmen to detect illicit drug use; and (4) a rigid dismissal policy or revocation of the airman certificate, as the case may be, for those airmen detected as illicit drug users. *Regulations affected:* 14 CFR § 11.25 *Petitioner's reason for rule:* Petitioner states that the public interest of safety and integrity in air transportation dictates the need for a strict and thorough policy of zero-illicit drug use by the FAA. Petitioner states that recent reports concerning abuse by air traffic control tower operators indicate an urgent need for a formal illicit drug use detection program given the grave dangers an airman under the influence of an illicit drug presents to the flying public, pilots and crew, and those on the ground where an accident may occur.

NOTE.—This petition was previously published, at the request of the petitioner, the comment period is reopened and now closes November 15, 1984.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and dispostion of the rule requested
22269	Flight Engineers International Assoc. (FEIA)	*Description of petitions:* To amend appropriate FAR Parts to the extent necessary in order to regulate the certification of transport category airplane cockpits and their use in air transportation in the United States. These amendments would include the establishment of an integrated and coordinated set of regulatory standards, documentation requirements and evaluation criteria for the certification, configuration control, and modification of flight cockpits used on transport category airplanes. Additionally, the amendments would provide for the certification of appropriate flight operational procedures and training specifications consistent with: criteria used in the aircraft/cockpit system, and procedures dictated by flight operational activity, i.e., low visibility approach and landing operations currently permitted by the Category II and Category III advisory circular criteria, etc. They would also cover the certification of cockpit instrumentation, equipment and software configurations, minimum flight crew, master minimum equipment list—for a particular aircraft type, minimum equipment list—for the particular air carrier, cockpit/crew operational procedures, and crew function training. *Regulations affected:* 14 CFR Parts 21, 25, and 121. *Denied October 11, 1984.*

[FR Doc. 84-28164 Filed 10-24-84; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-NM-101-AD]

Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD), applicable to Lockheed-California Model L-1011-385 series airplanes which requires inspection of the main landing gear (MLG) truck pivot pins and pivot pin journal bushings. This amendment would require the replacement of MLG truck beam shock strut piston pin and bushing. This action is prompted by additional reports of fractures in the truck beam pivot pin journal bores on airplanes which had been inspected. Such fractures, if not corrected, could result in collapse of the MLG upon landing.

DATES: Comments must be received on or before December 14, 1984.

ADDRESSES: The applicable service information may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Augusto Coo, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified under the caption "AVAILABILITY OF NPRM." All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-101-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Airworthiness Directive (AD) 79-08-04, Amendment 39-4097, issued on May 22, 1981 (46 FR 24158), requires inspection of the MLG truck beam and shock strut piston pivot pin and bushings on Lockheed L-1011-385 series airplanes. Installation and/or modification of the MLG uplock snubber pivot pin and bushings, in accordance with the accomplishment instructions of Lockheed-California L-1011 Service Bulletin 093-32-154, Revision 2, dated January 5, 1981, is considered to be terminating action, however, accomplishment of this item has been optional. Since the issuance of Amendment 39-4097, there have been two reports of MLG truck beam fractures in the area below the truck pivot pin; in neither case had the airplane been modified with replacement parts. New information from the manufacturer indicates that the current required inspection alone is not adequate, and that MLG components should be replaced. Continued delay in accomplishing the modifications exposes an airplane to increased risk of MLG truck beam or piston pivot pin failure, which may result in collapse of the main landing gear upon landing. This amendment would require replacement of MLG components within twelve (12) calendar months in accordance with Lockheed-California L-1011 Service Bulletin 093-32-154, Revision 2, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region. This proposal does not affect airplanes that have already accomplished the terminating action specified in Amendment 39-4097. Therefore, in consideration of the hazardous consequence of fractures in the truck beam pivot pin journal, the proposed AD is considered to be necessary.

Cost Estimate

Of the 142 domestic airplanes affected, only 13 are yet to be modified. The necessary modification would require approximately 35 manhours per airplane at an average labor charge of $40 per manhour. The modification kits can be obtained at a cost of $37,000 each. Based upon these figures, the total economic impact is estimated to be $499,200.

For these reasons, the proposed rule is not considered to be a major rule under

the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by further amending AD 79-08-04, Amendment 39-3448 (44 FR 23819; April 9, 1979), as amended by Amendment 39-4097 (46 FR 24158; April 30, 1981), by adding a new paragraph (g) and revising paragraphs (d) and (f) to read as follows:

* * * * *

(d) Installation or modification of the main landing gear uplock snubber, truck pivot pin and bushings using Kits 1630462-101, -103, -105, and -107 or alternate Kits 1630462-109 -111, -113, and -115 in accordance with Lockheed-California L-1011 Service Bulletin 093-32-154, Revision 2, dated January 5, 1981, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, constitutes terminating action for this AD.

* * * * *

(f) Equivalent inspection procedures and truck pin retainer installation may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

(g) Within twelve (12) calendar months after the effective date of this amendment, accomplish the installation or modification of the main landing gear truck beam and shock strut piston pivot pin and bushings according to Section 2, Accomplishment Instructions of the Lockheed-California L-1011 Service Bulletin 093-32-154, Revision 2, dated January 5, 1981, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

(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 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model L-1011 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington, on October 16, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-28166 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ANM-17]

Proposed Revised Transition Area and Control Zone, Port Angeles, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The current geographical boundaries of the Port Angeles, Washington, Transition and Control Zone are described, in part by reference to the Port Angeles VOR. The VOR no longer exists and new descriptions are required. This action provides the revised descriptions.

DATE: Comments must be received on or before December 14, 1984.

ADDRESS: Send comments on the proposal in duplicate to: Manager, Airspace and Procedures Branch, ANM-530, Federal Aviation Administration, Docket No. 84-ANM-17, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may also be examined in the Regional Counsel Office.

An informal docket may also be examined during normal business at the Airspace and Procedures Branch, 17900 Pacific Highway South, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace and Procedures Specialist, ANM-534. The telephone number is: (206) 431-2534.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestion 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 duplicate 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. 84-ANM-17". 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 Airspace and Procedures Branch, 17900 Pacific Highway South, Seattle, Washington 98168, 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, 17900 Pacific Highway South, Seattle, Washington 98168, ATTN: ANM-530. 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 § 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700' transition area and control zone at Port Angeles, Washington. Removal of Port Angeles VOR from the National Airspace System (NAS) leaves a void in the airspace description and requires new points of reference for accuracy. This proposed action redesignates the control zone and transition area, without reference to the VOR which has been decommissioned.

Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 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

Transition areas/control zones, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.171 Port Angeles, Washington [Revised]

Within a 5–mile radius of William R. Fairchild International Airport (lat. 48°07′ 14″ N. long. 123°29′54″ W) including the airspace within 3-miles either side of the EDIZ Hook RBN (lat 48°08′24″, N, long. 123°24′08″ W) 259°/079° bearing extending from the 5-mile radius zone to 8.1 miles east of the RBN.

§ 71.181 Port Angeles, Washington [Revised]

That airspace extending 700 feet above the airspace within a 5-mile radius of the William R. Fairchild International Airport, Port Angeles, Washington (lat. 48°07′14″ N. long. 123°29′54″ W); within a 5-mile radius of CGAS Port Angeles, Washington (lat. 48°08′30″ N. long. 123°24′45″ W); within 3 miles north and 5 miles south of the EDIZ Hook RBN (lat. 48°08′24″ N. long. 123°24′08″ W) 259°/079° bearing, extending from the RBN to 12 miles east of the RBN; including the airspace within 2 miles either side of the William R. Fairchild International Airport localizer west course, extending from the localizer location (lat. 48°07′00″ N. long. 123°29′02″ W) to 8 miles west and that airspace extending upward from 1200 feet above the surface bounded on the east by the west edge of V–495 on the south within 4.5 miles of of the William R. Fairchild International Airport localizer location (lat. 48°07′00″ N. 123°29′02″ W) to 28 miles west, and on the north by the United States/ Canadian border.

(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 Seattle, Washington on October 15, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–28188 Filed 10–24–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–ANM–14]

Proposed Alteration of Transition Area; Missoula, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the 1200′ transition area at Missoula, MT. The additional controlled airspace will allow high altitude arrivals to transition below 14,500′ MSL with uninterrupted descents to the initial approach fix at Missoula. This action is necessary to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather condition.

DATES: Comments must be received on or before December 6, 1984.

ADDRESS: Send comments to: Manager, Airspace and Procedures Branch, ANM–530, Federal Aviation Administration, Docket No. 84–ANM–14, 17900 Pacific Highway South, C–68966, Seattle, WA 98168.

The official docket may be examined in the Regional Counsel Office at the above address.

Also, an informal docket may also be examined during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Katy Paul, Airspace Technician, ANM–535, (206) 431–2530.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking 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 of 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 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. 84–ANM–14." 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 at the address listed above, 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, Airspace and Procedures Branch, 17900 Pacific Highway South, C–68966, Seattle, WA 98168. 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 described the application procedure.

The Propposed

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Section 71.181 of Part 71 of the Federal Aviation Administration Regulations was republished in Handbook 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

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Missoula, Montana [Amended]

That airspace extending upward from 700 feet above the surface within a 23.5 mile radius of the Missoula VORTAC (46°154'29" N. lat/114°04'58" W. long) extending from the Missoula VORTAC 190° radial clockwise to the 290° radial; within 9.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 312° radial extending from the VORTAC to 38 miles northwest of the VORTAC; within 3 miles each side of the Missoula VORTAC 172° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1,200 feet above the surface within a 13 mile radius of the Missoula VORTAC extending from the 357° radial clockwise to the 072° radial; within a 23.5 mile radius of the Missoula VORTAC extending from the 072° radial clockwise to the 112° radial; within a 57.5 mile radius of the Missoula VORTAC extending from the 112° radial clockwise to the 180° radial; within a 23.5 mile radius of the Missoula VORTAC extending from the 180° radial to the 190° radial; within a 34 mile radius of Missoula VORTAC extending from the Missoula VORTAC 256° radial clockwise to the 357° radial; within 9.5 miles southwest of the Missoula VORTAC 298° radial extending from the 34 mile radius area to 38 miles northwest; and excluding that portion of the Coppertown, Montana 1,200 foot 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 Seattle, Washington, on October 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-28169 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ANM-23]

Proposed Establishment of Transition Area, Polson, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to lower the base of controlled airspace in the vicinity of Polson, Montana to 700 feet above the surface so that aircraft conducting flight under instrument flight rules (IFR) would have exclusive use of that airspace when the visibility is less than 3 miles and thereby enhancing the safety of such operations. This action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before December 6, 1984.

ADDRESS: Send comments to: Manager, Airspace and Procedures Branch, ANM-530, Federal Aviation Administration, Docket No. 84-ANM-23, 17900 Pacific Highway South, C-68966, Seattle, WA 98168.

The official docket may be examined in the Regional Counsel Office at the above address.

Also, an informal docket may also be examined during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Airspace Technician, ANM-535, (206) 431-2530.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to particpate in this proposed rulemaking 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 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. 84-ANM-23." 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 at the address listed above, 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, Airspace and Procedures Branch, 17900 Pacific Highway South, C-68966, Seattle, WA 98168. 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 described 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) to establish the base of controlled airspace at 700 feet above the surface 6 nautical miles by 10.5 nautical miles over the Polson Airport. While the airspace designation would exclude aircraft from conducting flight under visual flight rules (VFR) when the visibility is less than 3 miles, it would enhance the safety of aircraft conducting flight under IFR condition. Section 71.181 of Part 71 of the Federal Aviation Administration Regulations was republished in Handbook 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 Executvie 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

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Polson, Montana [New]

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 47°49'30" N., longitude 114°12'20" W.; to 47°46'30" N., 114°04'00" W.; to 47°37'00" N; 114°11'30" W.; to 47°30'30" N., to 114°15'00" W.; thence to point of beginning.

(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 Seattle, Washington, on October 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–28170 Filed 10–24–84; 8:45 am]

BILLING CODE 4910–13–M

CIVIL AERONAUTICS BOARD

14 CFR Part 375

[Special Regulations Docket No. 42547; SPRD–91]

Navigation of Foreign Civil Aircraft Within the United States

Dated: October 4, 1984.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to revise its rules concerning the navigation in the United States of foreign civil aircraft that are not engaged in foreign air transportation. The proposed revision would delete outdated provisions and conform the language of the rule to FAA regulations. The proposed rule would also expand the definition of a foreign civil aircraft to include U.S.-registered aircraft owned by non-U.S. citizens and would revise the application procedures for foreign aircraft permits to expedite their processing by the Board. This proposal is made at the CAB's initiative.

DATES: Comments by: December 10, 1984. Reply comments by: December 26, 1984.

Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on Service List by: November 8, 1984.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 42547, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, as soon as they are received.

FOR FURTHER INFORMATION CONTACT: George Wellington, Regulatory Affairs Division, Bureau of International Aviation, 202–673–5878, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: Part 375 provides for the navigation in the United States of foreign civil aircraft that are not engaged in foreign air transportation. The rule implements section 1108(b) of the Federal Aviation Act, as amended, and provisions of the Convention on International Civil Aviation (Chicago Convention). The types of operations that are or may be authorized under this rule include private carriage, industrial operations, and certain commercial transport operations that, because of their limited nature, do not constitute an engagement in air transportation by the operator. The rule also allows foreign air carriers to offer free transportation over non-traffic segments, and provides for scheduled transit operations by foreign airlines under the International Air Services Transit Agreement.

The Board recently concluded a comprehensive review of Part 375, and has tentatively determined that a number of changes need to be made to the rule. These changes are designed primarily to delete outdated provisions of the rule, and to conform the language of the rule to changes that have been made to the Federal Aviation Act, other Board rules, and the regulations of the FAA.

Set forth below is a section-by-section discussion of the changes we are proposing and the reasons for those changes. The proposed rule also contains minor editorial revisions that are not specifically detailed here.

Section-by-Section Analysis

Section 375.1 Definitions.

The definition of a foreign civil aircraft would be changed to clarify that a foreign aircraft permit will be required for navigation in U.S. airspace not only of foreign registered aircraft, but also of U.S.-registered aircraft owned, controlled or operated by other than citizens or permanent residents of the United States. This amendment is necessary to facilitate the Congressional objective of insuring reciprocity for foreign aircraft operated in U.S. airspace.

When Part 375 was initially adopted (SPR–4, 25 FR 2790, April 2, 1960), only aircraft owned by U.S. citizens were eligible for U.S. registration. However, in 1977, section 501 of the Act (49 U.S.C. 1401) was amended to also permit registration by a corporation organized under U.S. laws which does not qualify as a U.S. citizen corporation under the Act because it is owned or controlled by foreign nationals (section 501(b)(A)(ii), Pub. L. 95–163, 91 Stat 1283.) The Congressional purposes in adding the 1977 amendment were unrelated to the requirement in section 1108(b) of the Act (49 U.S.C. 1308(b)) that reciprocity be a condition precedent to "foreign aircraft" being authorized to navigate in U.S. airspace. (See November 2, 1977 Congressional Record—House, Daily Ed., H–12043–44, 50.)

The current definition would, nevertheless, permit nationals of foreign countries that do not grant reciprocity to avoid this pre-condition by forming a U.S. corporation and basing and using the aircraft in the United States.

Our proposed amendment would provide the Board, or its successor, the opportunity to consider the reciprocity issue before such foreign-owned, controlled or operated aircraft were authorized to navigate in U.S. airspace. Of course, only non-air-transportation commercial operations by foreign nationals would be affected, since, in accordance with Article 5 of the Chicago Convention (61 Stat. 1180), § 375.30 grants a blanket authorization for "foreign civil aircraft" that "are not engaged in commercial air operations into, out of, or within the United States".

We also note that the exclusion of military aircraft from the definition in § 375.1 of "foreign civil aircraft" extends only to those military aircraft owned and operated exclusively by the armed forces and not engaged in commercial air operations or air transportation. Thus, use of *any* aircraft by or for any commercial entity, interest or purpose requires Board authority under this part (or section 402 for foreign air transportation), as well as, in the case of military aircraft, authority from the Secretary of State.

Section 375.3 Existing permits.

This section, which refers to permits issued under Part 190 of the old Civil Air Regulations (the predecessor of Part 375), would be deleted, as none of these permits remain in effect.

Section 375.10 Certain foreign civil aircraft registered in ICAO member states.

This section would be revised to delete the present requirement that notice of airworthiness standards must be filed through diplomatic channels. We tentatively find that the filing of these notices directly with the Board,

rather than through the Department of State, would be sufficient and consistent with changes we have made in our procedures for filing applications for foreign air carrier permits.

Section 375.11 Other foreign civil aircraft.

This section would be changed to make clear that, in addition to complying with the provisions of Part 375, the operator of a foreign civil aircraft that is not registered in and ICAO member state must also comply with applicable FAA rules.

Section 375.19 Nature of privilege conferred.

The language of this section, which is presently contained in § 375.42(b), would be moved to Subpart C (Rules Generally Applicable) to clarify that all operations conducted under Part 375 are operated pursuant to section 1108(b) of the Act and under the terms of the Chicago Convention.

Section 375.20 Airworthiness and registration certificates.

This section would revise the airworthiness provisions of the rule to bring them into line with recent revisions the FAA has made to § 91.28 of its rules. The FAA rules previously provided that the FAA could issue an air safety flight authorization to a foreign civil aircraft that lacked a valid certificate of airworthiness from its country of registry, and that the aircraft could then be used for certain activities such as flight testing, indoctrination training or export of the aircraft. The revised FAA rule replaces the air safety flight authorization with a "special flight authorization," and deletes the detailed list of permissible activities, replacing it with a provision stating that any special flight authorization issued may be subjected to conditions and limitations necessary to assure safe operation. The proposed revision tracks the FAA rule, permitting a foreign-registered civil aircraft to carry a special flight authorization in lieu of a certificate of airworthiness. Operations conducted under this provision would remain subject to all other provisions and requirements of Part 375, and operations requiring prior approval under Part 375 would be authorized by the CAB only after the FAA issued the necessary special flight authorization.

Section 375.31 Demonstration flights of foreign aircraft.

This section would be changed to clarify that demonstration flights performed at public airshows (such as those organized by the Experimental Aircraft Association and other groups) are authorized by this part and do not require specific prior approval by the Board, so long as the operations comply with the other provisions of Part 375. In the past, there has been some confusion as to whether such groups required specific pre-flight authorization under Subpart E of Part 375. We see no need for such prior scrutiny of these operations.

Section 375.35 Free transportation.

This section would be revised to expand the categories of persons to whom free transportation may be provided by foreign air carriers over non-traffic segments. The additional categories are travel agents, security personnel guarding foreign government officials, and guests of a foreign air carrier on aircraft delivery flights. Requests by foreign carriers to provide free transportation to these classes of persons have been made fairly often in recent years and have been routinely approved. We see no need for continued case-by-case scrutiny of these operations.

Section 375.36 Lease of foreign civil aircraft without crew.

This section would explicity provide for the dry lease (*i.e.*, lease without crew) of a foreign-registered aircraft to a U.S. direct air carrier under FAA rules (§§ 121.153 and 135.25). Part 375 is currently ambiguous on this subject; the proposed change would state that the practice is authorized without a requirement for a specific pre-flight authorization, subject to the FAA requirements.

Section 375.40 Permits for commercial air operations.

Section 375.41 Agricultural and industrial operations within the United States.

Section 375.42 Transport operations—occasional planeload charters.

Section 375.43 Application for foreign aircraft permit.

Section 375.44 Issuance of permit.

These sections would reorganize and revise the application procedures for a foreign aircraft permit and the standards for issuance of a permit that are now contained in §§ 375.40–.42 to be similar to those now contained in Part 212 of our rules for foreign air carriers seeking statements of authorization to operate charter flights. The revised application procedures would provide for an answer period (which the current Part 375 does not) and, if deemed necessary by the CAB in particular cases, for service of applications. These procedures would be especially helpful, for example, in the case of Canadian-operator applications to conduct aerial agricultural, industrial, or survey operations in the United States. These applications have, in recent years, generated U.S.-operator opposition because of Canada's first refusal policy, which largely excludes U.S. operators from performing operations of this type in Canada. A more structured application system, such as we propose, would aid all parties in filing their pleadings. Also, our procedures would make explicit that the applicant must establish reciprocity on the part of its homeland and show that its proposed operations are in the public interest.

The proposed rule also deletes the procedures under which we would grant foreign aircraft permits for continuing cargo operations (long term operations for one or more shippers). We have received no requests for continuing cargo authority in over two years. If such authority is needed in the future, operations of this type could be authorized under our exemption powers contained in section 416(b). As a result, we tentatively find that no useful purpose would be served by the continuation of this form of authority.

Section 375.50 Transit flights; scheduled international air service operations.

This section would be revised only to require that foreign carriers proposing to operate scheduled international air service pursuant to the International Air Services Transit Agreement in transit across the United States file the required notices of such operations 30, rather than the currently required 15, days before commencement of these operations. We tentatively find that the additional 15 day's advance notice is necessary for the Board to administer the requirements of this section properly, and that the proposed change would not inconvenience or otherwise represent a burden to any filing carrier.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that none of these proposed changes, if adopted, will have a significant economic impact on a substantial number of small entities. The proposed rule will apply only to operators of foreign civil aircraft. The revisions will primarily affect 10 to 15 Canadian industrial operators. The Board finds that this is not a significant number of

small entities within the meaning of the Act.

Paperwork Reduction Act

The collection of information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96–511, 44 U.S.C. Chapter 35. These requirements have been submitted to the Office of Management and Budget for review and comment. Persons may submit comments on the collection-of information requirements to OMB and to the Board. Comments sent to OMB should be addressed to: Office of Information and Regulatory Affairs, ATTN: Desk Officer for Civil Aeronautics Board, Office of Management and Budget, Washington, D.C. 20503.

List of Subjects in 14 CFR Part 375

Aircraft, Airmen, Reporting and recordkeeping requirements.

Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to revise 14 CFR Part 375, Navigation of Foreign Civil Aircraft Within the United States, as follows:

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Subpart A—General

Sec.

375.1 Definitions.
375.2 Applicability.
375.3 [Reserved]

Subpart B—Authorization

375.10 Certain foreign civil aircraft registered in ICAO member states.
375.11 Other foreign civil aircraft.

Subpart C—Rules Generally Applicable

375.19 Nature of privilege conferred.
375.20 Airworthiness and registration certificates.
375.21 Airmen.
375.22 Flight operations.
375.23 Maximum allowable weights.
375.24 Entry and clearance.
375.25 Unauthorized operations.
375.26 Waiver of sovereign immunity.

Subpart D—Authorized Operations

375.30 Operations other than commercial air operations.
375.31 Demonstration flights of foreign aircraft.
375.32 Flights incidental to agricultural and industrial operations outside the United States.
375.33 Transit flights, irregular operations.
375.34 Indoctrination training.
375.35 Free transportation.
375.36 Lease of foreign civil aircraft without crew.

Subpart E—Operations Requiring Specific Preflight Authorization or Filing

Sec.

375.40 Permits for commercial air operations.
375.41 Agricultural and industrial operations within the United States.
375.42 Transport operations—occasional planeload charters.
375.43 Application for foreign aircraft permit.
375.44 Issuance of permit.
375.45 Records and reports of occasional planeload charters.

Subpart F—Transit Flights

375.50 Transit flights; scheduled international air service operations.

Subpart G—Penalties

375.60 Penalties.

Subpart H—Special Authorization

375.70 Special authorization.
Appendix A—CAB Form 272.

Authority: Secs. 204, 402, 1102, 1108 of Pub. L. 95–726 as amended; 72 Stat. 743, 757, 797, 798, 49 U.S.C. 1324, 1372, 1502, 1508.

Subpart A—General

§ 375.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958;

"Air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft in interstate, overseas, or foreign commerce (see section 101 (10) and (23) of the Federal Aviation Act, 49 U.S.C. 1301);

"Category" shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.;

"Commercial air operations" shall mean operations by foreign civil aircraft engaged in flights for the purpose of crop dusting, pest control, pipeline patrol, mapping, surveying, banner towing, skywriting, or similar agricultural and industrial operations performed in the United States, and any operations for remuneration or hire to, from or within the United States including air carriage involving the discharging or taking on of passengers or cargo at one or more points in the United States, including carriage of cargo for the operator's own account if the cargo is to be resold or otherwise used in the furtherance of a business other than the business of providing carriage by aircraft, but excluding operations pursuant to foreign air carrier permits issued under section 402 of the Act, exemptions, and all other operations in air transportation.

"Exemption" means an exemption granted, under section 416(b) of the Act, authorizing air transportation by a foreign air carrier;

"Foreign air carrier permit" means a permit authorizing foreign air transportation by a foreign air carrier pursuant to section 402 of the Act;

"Foreign aircraft permit" means a permit authorizing navigation of foreign civil aircraft in the United States pursuant to section 1108(b) of the Act and this part;

"Foreign civil aircraft" means (a) an aircraft of foreign registry that is not part of the armed forces of a foreign nation, or (b) a U.S. registered aircraft owned, controlled or operated by persons who are not citizens or permanent residents of the United States;

"Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail, and does not include landings for embarking or disembarking stopover passengers or transshipped cargo or mail, or for other than strictly operational purposes.

"Type" means all aircraft of the same basic design including all modifications thereto except those modifications that result in a change in handling or flight characteristics.

§ 375.2 Applicability.

The provisions of this part regulate the admission to, and navigation in, the United States of foreign civil aircraft other than aircraft operated under authority contained in a foreign air carrier permit or exemption. This part also contains provisions that specify the extent to which certain classes of flight operations by foreign civil aircraft may be conducted, and the terms and conditions applicable to such operations. Nothing in this part shall authorize any foreign civil aircraft to engage in air transportation nor be deemed to provide for such authorization by the Board.

Subpart B—Authorization

§ 375.10 Certain foreign civil aircraft registered in ICAO member states.

Subject to the observance of the applicable rules, conditions, and limitations set forth in this part:

(a) Foreign civil aircraft manufactured in a State that at the time of manufacture was a member of the International Civil Aviation Organization (ICAO), and registered in a State that at the time of flight is a member of ICAO, may be navigated in the United States;

(b) Foreign civil aircraft manufactured in a State that at the time of manufacture was not a member of ICAO, and registered in a State that at

the time of flight is a member of ICAO, may be navigated in the United States (1) If the State of registry has notified ICAO that the requirements under which it issues or renders valid certificates of airworthiness are equal to or above the minimum standards established pursuant to the Chicago Convention, or (2) if such notification has not been made to ICAO at the time of flight, there is on file with the Board a statement by the State of registry that, with regard to aircraft of the type that is proposed to be operated hereunder, the requirements under which certificates of airworthiness are issued or rendered valid are equal to or above the minimum standards established pursuant to the Chicago Convention.

§ 375.11 Other foreign civil aircraft.

A foreign civil aircraft other than those referred to in § 375.10 may be navigated in the United States only when (1) The operation is authorized by the Board under the provisions of this part, and (2) the aircraft complies with any applicable airworthiness standards of the Federal Aviation Administration for its operation.

Subpart C—Rules Generally Applicable

§ 375.19 Nature of privilege conferred.

The provisions of this part, and of any permit issued hereunder, together with section 1108(b) of the Act, are designed, among other purposes, to carry out the international undertakings of the United States in the Chicago Convention, in particular Article 5. That article gives foreign aircraft the privilege of "taking on or discharging passengers, cargo or mail" subject to the right of the State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable. The U.S. Congress by the 1953 amendment to section 6 of the Air Commerce Act of 1926, now designated as section 1108(b) of the Act, authorizes the Board to permit such operations only where conditions of reciprocity and the interest of the public in the United States are met. Thus, the operator of any foreign registered aircraft is not entitled as a matter of right to the issuance, renewal or freedom from modification or change in a permit issuable pursuant to this authority. Accordingly, any authority conferred by this part may be withheld, revoked, amended, modified, restricted, suspended, withdrawn, or canceled by the Board in the interest of the public of the United States, without notice or hearing.

§ 375.20 Airworthiness and registration certificates.

Foreign civil aircraft shall carry currently effective certificates of registration and airworthiness issued or rendered valid by the country of registry and shall display the nationality and registration markings of that country. However, a foreign civil aircraft may carry, in lieu of such certificate of airworthiness, an effective special flight authorization issued by the Federal Aviation Administration for the operations being performed.

§ 375.21 Airmen.

Members of the flight crew of a foreign civil aircraft shall have in their personal possession valid airman certificates or licenses authorizing them to perform their assigned functions in the aircraft and for the operation involved issued or rendered valid by the country of registry of the aircraft or by the United States. No such flight crew members shall perform any flight duty within the United States that they are not currently authorized to perform in the country issuing or validating the certificate.

§ 375.22 Flight operations.

Flights of foreign civil aircraft in the United States shall be conducted in accordance with the currently applicable rules of the Federal Aviation Administration.

§ 375.23 Maximum allowable weights.

Foreign civil aircraft that are permitted to navigate in the United States on the basis of foreign airworthiness certificates must conform to the limitations on maximum certificated weights prescribed or authorized for the particular variation of the aircraft type, and for the particular category of use, by the country of manufacture of the aircraft type involved.

§ 375.24 Entry and clearance.

All U.S. entry and clearance requirements for aircraft, passengers, crews, baggage and cargo shall be followed.

§ 375.25 Unauthorized operations.

No foreign civil aircraft shall be navigated in the United States unless authorized by this part. Commercial air operations (other than those authorized by § 375.36) shall not be undertaken without a permit issued by the Board.

§ 375.26 Waiver of sovereign immunity.

Owners and operators of aircraft operated under this part that are engaged in proprietary or commercial activities waive any defense of sovereign immunity from suit in any action or proceeding instituted against any of them in any court or other tribunal in the United States for any claim relating to that operation.

Subpart D—Authorized Operations

§ 375.30 Operations other than commercial air operations.

Foreign civil aircraft that are not engaged in commercial air operations into, out of, or within the United States may be operated in the United States and may carry non-revenue traffic to, from or between points in the United States.

§ 375.31 Demonstration flights of foreign aircraft.

Flights of foreign civil aircraft within the United States may be made for the purpose of demonstration of the aircraft or any component thereof (including demonstrations at airshows), provided no persons, cargo or mail are carried for remuneration or hire.

§ 375.32 Flights incidental to agricultural and industrial operations outside the United States.

Foreign civil aircraft that are engaged in agricultural or industrial operations to be performed wholly outside the United States may be navigated into, out of, and within the United States in connection with those operations provided that the aircraft is not at the time engaged in the carriage of passengers, cargo, or mail for remuneration or hire.

§ 375.33 Transit flights, irregular operations.

Foreign civil aircraft carrying passengers, property or mail for remuneration or hire, but not engaged in scheduled international air services, are authorized to navigate nonstop across the territory of the United States and to make stops for non-traffic purposes. The navigation of foreign civil aircraft in the United States is not authorized under this section when the elapsed time between landing and takeoff at a stop in the United States exceeds 24 hours and passengers are permitted to leave the airport or when passengers, property or mail are transferred to another aircraft. Flights involving stops under such circumstances may, however, be performed in the case of emergency relating to the safety of the aircraft, passengers, cargo or crew.

§ 375.34 Indoctrination training.

Foreign civil aircraft may be operated in the United States for the purpose of giving indoctrination training in the

operation of the aircraft concerned to a buyer or a buyer's employees or designees. This section does not, however, authorize foreign civil aircraft to be used within the United States for the purpose of flight instruction for remuneration or hire.

§ 375.35 Free transportation.

(a) Foreign civil aircraft may be navigated in the United States by a foreign air carrier for the transportation of persons and property specified in paragraph (b) of this section over the following non-traffic segments provided such transportation is not for compensation or hire:

(1) Between two or more points in the United States;

(2) Between a point in the United States named in the carrier's section 402 permit or exemption, and a point outside the United States not named in the carrier's CAB operating authority, when authorized in accordance with the provisions of Part 216 of this chapter to carry blind sector traffic to or from such unnamed foreign point; and

(3) Between a point in the United States and a point outside thereof when the carrier lands at the United States point for non-traffic purposes in exercise of the privilege granted under the International Air Services Transit Agreement.

(b) Free transportation may be provided under this section for the following categories of persons and property:

(1) Directors, officers and employees, and their parents and immediate families, of the foreign air carrier operating the aircraft;

(2) Directors, officers and employees, and their parents and immediate families, of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services, if the agents are under no obligation to sell the transporting carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which any such foreign air carrier is involved;

(5) Persons injured in aircraft accidents and physicians and nurses attending such persons;

(6) Any persons or property with the object of providing relief in cases of general epidemic, natural disaster or other catastrophe;

(7) Any person who has the duty of guarding foreign government officials travelling on official business; and

(8) Guests of a foreign air carrier (including members of the press) on delivery flights of newly-acquired or newly-renovated aircraft.

(c) A charge reasonably related to the value of meals and beverages furnished enroute shall not be deemed to constitute compensation or hire for purposes of this section.

§ 375.36 Lease of foreign civil aircraft without crew.

Foreign civil aircraft that are leased without crew to an air carrier and used by that air carrier in otherwise authorized air transportation may be operated into, out of, and within the United States when such use is authorized under regulations prescribed by the Federal Aviation Administration.

Subpart E—Operations Requiring Specific Pre-Flight Authorization or Filing

§ 375.40 Permits for commercial air operations.

(a) Permit required: Except for aircraft being operated under a foreign air carrier permit, an exemption, or as otherwise provided in Subpart D or H of this part, foreign civil aircraft may engage in commercial air operations only if there is carried on board the aircraft a permit issued by the Board in accordance with this subpart authorizing the operations involved.

(b) Aircraft are not authorized to engage in air transportation under this section. Where an operation involves the carriage of persons, property or mail for compensation or hire, the Board will determine whether particular flights for which a permit is sought will be in common carriage, and therefore in air transportation, based on all the facts and circumstances surrounding the applicant's entire operations. The burden rests upon the applicant in each instance to demonstrate by an appropriate factual showing that the contemplated operation will not constitute common carriage from, to or within the United States. In general, an applicant that holds itself out to the public, or to a particular class or segment, as willing to furnish transportation for hire is a common carrier.

§ 375.41 Agricultural and industrial operations within the United States.

Foreign civil aircraft shall not be used for such commercial air operations as crop dusting, pest control, pipeline patrol, mapping, surveying, banner towing, skywriting or similar agricultural or industrial operations within the United States, including its territorial waters and overlying airspace, unless a permit has been issued by the Board and the operation is conducted in accordance with all applicable State and local laws and regulations as well as the applicable provisions of this part.

§ 375.42 Transport operations—occasional planeload charters.

Occasional planeload charters may be authorized where, because of their limited nature and extent, special equipment or facilities utilized, or other circumstances pertaining to them, it appears that they are not within the scope of the applicant's normal holding out of transportation services to the general public. Such charters are normally limited to those in which the entire capacity of the aircraft is engaged by a single charterer, and since they are occasional in nature, should not exceed for any one applicant more than six flights during a calendar year. This part does not authorize operations that involve solicitation of the general public such as is usually involved in the transportation of individually-ticketed passengers or individually-waybilled cargo, or in which the charterer is a travel agent, a charter operator, a broker, an air freight forwarder or any other organization that holds itself out to the general public to provide transportation services. Carriage of carge for the operator's own account is governed by the provisions of this section if the cargo is to be resold or otherwise used in the furtherance of a business other than the business of providing carriage by aircraft.

§ 375.43 Application for foreign aircraft permit.

(a) Applications for foreign aircraft permits shall be submitted on CAB Form 272 (Appendix A), in duplicate, addressed to the Chief, Regulatory Affairs Division, Bureau of International Aviation. Upon a showing of good cause, applications may be made by telegram or by telephone.

(b) Applications shall contain a proper identification (including citizenship) of the applicant (the operator of the aircraft concerned) and of the owner thereof (if different from the applicant), a description of the aircraft by make, model, and registration marks; and a full description of the operations for which authority is desired, indicating type and dates of operations and number of flights, and routing. In cases where authority is sought on short notice (and any foreign aircraft permit issued must consequently be transmitted by telex), the applicant must either provide the name of a local representative who will accept wire charges for the Board's reply, or include a prepaid telex voucher

sufficient for at least 60 words. In the case of cargo flights, the names of all contractors, agents, if any, and the beneficial owner of the cargo, and a description of the cargo and of the proposed operations shall be provided. In the case of passenger flights, a full identification and description of the group chartering the aircraft, and identification of the travel agent, if any, shall be provided. Applications shall also contain a statement as to whether the applicant's homeland allows operators of U.S.-registered aircraft to conduct similar operations.

(c) Applicants shall be filed at least 15 days in advance of the proposed commencement date of the operations. The Board may direct the applicant to serve copies of its application on additional persons. Late applications may be considered by the Board upon a showing of good cause.

(d)(1) Any party in interest may file a memorandum supporting or opposing an application. Two copies of each memorandum shall be filed within 7 business days after the application is filed but not later than the proposed commencement date of the operations. Memoranda will be considered to the extent practicable; the Board may act on an application without waiting for supporting or opposing memoranda to be filed.

(2) Each memorandum shall set forth the reasons why the applications should be granted or denied, accompanied by whatever data, including affidavits, the Board is asked to consider.

(3) A copy of each memorandum shall be served on the applicant.

(e)(1) Unless otherwise ordered by the Board, each application and memorandum filed in response shall be available for public inspection at the Regulatory Affairs Division of the Bureau of International Aviation immediately upon filing. Notice of the filing of all applications shall be published in the Board's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Board finds that disclosure of all or part of the information should be withheld under applicable provisions of law, and the public interest does not require disclosure, it will order that the injurious information be withheld.

§ 375.44 Issuance of permit.

(a) The Board will issue a foreign aircraft permit if it finds that the proposed operations meet the requirements of this part and are in the public interest. Foreign aircraft permits may be conditioned or limited by the Board. Permits must be carried aboard the applicant's aircraft during flight over U.S. territory, and are not transferable.

(b) In determining whether to grant a particular application, the Board will consider, among other factors, the extent to which the country of the applicant's nationality deals with U.S. civil aircraft operators on the basis of substantial reciprocity, and whether the operation is otherwise in the public interest.

§ 375.45 Records and reports of occasional planeload charters.

(a) *Cargo documents.* The holder of a permit for cargo operations shall issue a manifest or shipping document to its shipper with respect to each shipment.

(b) [Reserved]

(c) *Contents of documents for passenger flights.* The holder of a permit for passenger charters originating or terminating in the United States shall require each charterer to file with it prior to flight a list of names and addresses of all passengers to be transported on each flight.

(d) *Reports of unused authority.* All foreign operators of occasional planeload charters for which authority is granted must notify the Board, in writing, not later than 15 days after the expiration of their permits, of their failure to use this authority. The unused authority shall otherwise be deemed to have been exercised.

Subpart F—Transit Flights

§ 375.50 Transit flights; scheduled international air service operations.

(a) *Requirement of notice.* Scheduled international air services proposed to be operated pursuant to the International Air Services Transit Agreement in transit across the United States may not be undertaken by foreign civil aircraft unless the operator of such aircraft, and (if other than the operator) the carrier offering such service to the public, has, not less than 30 days prior to the date of commencement of such service, filed a Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement in accordance with the provisions of paragraphs (b) and (c) of this section.

(b) *Filing of the notice.* An original and two copies of the Notice shall be filed with the Chief, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board. Copies of the Notice shall be served upon the Department of State and the Administrator of the Federal Aviation Administration. The filing date shall be the date of actual receipt by the Board.

(c) *Content of notice.* A "Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement" shall be clearly labeled as such, and as a minimum shall set forth, with whatever detail may be necessary, the following information:

(1) The name, country of organization, and citizenship of the operator, and, if other than the operator, of the carrier offering the services to the public. If any interest (direct or indirect) in the operator or offeror of services is held by nationals of a country other than the country of organization or citizenship, the nature and extent of such interest must be fully disclosed. If any officer or director of the operator or carrier offering the services is a national of a country other than the country of organization or citizenship, the position and duties of such officer or director, and the officer and director's relevant position in relation to other officers and directors must similarly be fully disclosed. If the information required in this subsection has been previously supplied to the Board, the applicant may incorporate it by reference.

(2) The State of registration of the aircraft proposed to be operated.

(3) A full description of the proposed operations including the type of operations (passenger, property, mail, or combination), date of commencement, duration and frequency of flights, and routing (including each terminal and intermediate point to be served).

(4) A statement as to whether or not any advertisement or publication of the proposed operations has been made in the United States. If there has been any advertisement or publication of the operations in the United States, copies of all such advertisements or publications shall be included.

(5) Any change with respect to these matters (minor changes in schedules of routing excepted) shall also be filed with the Board's Bureau of International Aviation.

(d) *Authorized operations.* If the operator and the carrier offering services to the public (if different from the operator) have filed a "Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement," at least 30 days before the date of commencement of the proposed operations in accordance with paragraphs (a), (b) and (c) above, the described operations may be commenced and performed without further authorization from the Board, unless and until the Board issues an order notifying the operator and/or the carrier offering the services to the public that, considering the matters submitted

in the Notice, the Board is of the view that a question may exist as to whether (1) the proposed services are authorized pursuant to the terms of the International Air Services Transit Agreement; (2) substantial ownership and effective control are vested in nationals of a State party to the International Air Services Transit Agreement; (3) the proposed operations will be in compliance with the laws of the United States, the Board's rules, or the provisions of this section; or (4) the operator or its government have performed their obligations under the International Air Services Transit Agreement.

(e) *Prohibited operations.* If the Board issues an order of notification as described in paragraph (d) of this section, neither the operator, nor the carrier offering the services to the public, shall commence the proposed operations, or, except as may be otherwise specified in the order, operate any flights subsequent to receipt of the order, unless and until the Board issues a Foreign Aircraft Permit pursuant to the provisions of section 1108(b) of the Act and this part specifically authorizing such operations.

(f) *Foreign aircraft permit—application and procedures.* If the Board issues an Order of Notification as described in paragraph (d) of this section, the carrier's Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement shall be treated as an application for the required foreign aircraft permit, and further procedures on such application shall be as directed by the Board.

(g) *Short notice filing.* Nothing in this section shall be construed as precluding the filing of an application for a foreign aircraft permit to perform transit operations pursuant to the International Air Services Transit Agreement less than 30 days in advance of the proposed operation. No such flights shall be operated, however, unless or until a specific foreign aircraft permit has been issued by the Board.

(h) *Nature of privilege conferred.* Air transportation is not authorized under this section, and the burden rests upon each operator and carrier to show that the proposed operations will not constitute air transportation within the meaning of the Federal Aviation Act. In addition, each operator and carrier has the burden of demonstrating that the proposed operations are authorized by the International Air Services Transit Agreement, and that the appropriate authorization should not be withheld pursuant to Section 5 of Article I thereof. Stopovers for the convienence or pleasure of the passengers are not authorized under this section and stops other than for strictly operational reasons shall not be made. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 or 416(b) of the Act is not authorized by this section. Any authorization or permit granted under this section is nontransferable, and may be withheld, revoked, suspended, withdrawn, or cancelled by the Board, without notice or hearing, if required by the public interest. Operators of aircraft registered in countries not parties to the International Air Services Transit Agreement shall make special application to the Board under § 375.70.

Subpart G—Penalties

§ 375.60 Penalties.

The operation of a foreign aircraft within the United States or over adjacent territorial waters in violation of the provisions of this part constitutes a violation of the Federal Aviation Act and Board rules, and may, in addition, constitute a violation of the rules of the Federal Aviation Administration. Such operation makes the person or persons responsible for the violation or violations subject to a civil penalty as provided in section 901 of the Act, and to the alteration, amendment, modification, suspension or revocation of any permit issued under this part and of any United States certificate involved as provided in section 609 of the Act. Engaging in air transportation as defined in the Act by a foreign aircraft without air carrier permit issued pursuant to section 402 of the Act or an exemption, or in violation of the terms of such authority constitutes not only a violation of this Part but of Title IV of the Act as well, which entails a criminal penalty as set forth in section 902 of the Act.

Subpart H—Special Authorization

§ 375.70 Special authorization.

Any person desiring to navigate a foregin civil aircraft within the United States otherwise than as specifically provided in this part may petition the Board for a special authorization to conduct the particular flight or series of flights. Such authorization may be issued only if the Board finds that the proposed operation is fully consistent with the applicable law, that the applicant's homeland grants a similar privilege with respect to operators of U.S.-registered aircraft, and that the proposed operation is in the interest of the public of the United States.

BILLING CODE 6320-01-M

Appendix A-CAB Form 272

CAB Form 272
(Rev. 9-84)

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD

APPLICATION FOR FOREIGN AIRCRAFT PERMIT OR SPECIAL AUTHORIZATION UNDER PART 375

(See Instructions On Reverse Side)

DO NOT WRITE - FOR OFFICIAL USE ONLY

Disposition of Application:

- ☐ Approved
- ☐ Approved, subject to condition(s) on reverse.
- ☐ Disapproved/Dismissed for reason(s) cited on reverse.

Under delegated authority _____

Effective from _____ to _____.

Director, Bureau of International Aviation

TO: Civil Aeronautics Board
Attention: Bureau of International Aviation, B-58
Washington, D.C. 20428

1. Name and address of applicant: (operator)

Nationality:

Operations pursuant to this authorization shall conform to Part 375 of the Civil Aeronautics Board's Special Regulations and Part 91 of the Federal Aviation Regulations. THIS PERMIT MUST BE CARRIED ABOARD AIRCRAFT DURING FLIGHT OVER UNITED STATES TERRITORY.

2. Send Authorization to:
a. Name and Address:

b. Telephone:

NOTE: Any required wire charges for reply will be billed to this address/phone unless alternate arrangements are made.

3. Aircraft make, model, and registration or identification marks:

4. Country in which aircraft is registered:

5. Name and address of registered owner of aircraft:

6. Name and address of contractor/charterer:

7. Dates of Flights:

8. Planned Routing of Flights (indicate non-traffic stops by asterisks):

9. Description of operations (see instructions):
(Check one)
Passenger ☐ cargo ☐ agricultural or industrial operation ☐

10. Does the nation which is the domicile of the applicant grant to United States carriers a privilege similar to that requested herein? _____; if so, has the fact of such reciprocity been established with the Civil Aeronautics Board? _____ If the fact has not been established with the Civil Aeronautics Board, provide documentation to establish such reciprocity.

11. If Application is Being Filed Late, State Reasons for Lateness:

12. Other Information Requested by the Board:

CERTIFICATION

I hereby certify that the charter flights for which authority is sought herein conform to the requirements of the Special Regulations and applicable orders of the Civil Aeronautics Board governing charters.

(Date) (Signature and title of authorized officer)

INSTRUCTIONS

1. Prepare an original and one copy of this application according to Section 375.43 of the Board's Regulations. If extra space is required to complete an item, continue on a separate sheet of paper.

2. Under Item 9:

   a) For passenger flights, provide full identification or description of group contracting for charter, and name and address of travel agent, if any.

   b) For cargo flights, provide the names of all contractors, description of cargo, beneficial owner of cargo, and provide a full description of the proposed operation including nature of any service to be performed by any exporter, importer, or transportation agent.

   c) For agricultural or industrial operations, describe area involved and purpose of operations.

3. Send the application to: Civil Aeronautics Board, Attention: Bureau of International Aviation, B-58, Washington, D.C. 20428

4. See Parts 91 of Federal Aviation Regulations and 375 of the Civil Aeronautics Board's Special Regulations (14 CFR 91 and 14 CFR 375) for a full statement of the rules respecting navigation of foreign civil aircraft within the United States.

DO NOT WRITE - FOR OFFICIAL USE ONLY

Exercise of this authorization is subject to the following condition(s):

OR Application is disapproved/dismissed for the following reason(s):

BILLING CODE 6320-01-C

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.
[FR Doc. 84-28118 Filed 10-24-84; 8:45 am]
BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2701-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: On April 11, 1983, March 14, 1984, April 19, 1984, and July 10, 1984 the State of California submitted to EPA volatile organic compound (VOC) rule revisions. These rules have been evaluated and found to be in conformance with the requirements of 40 CFR Part 51 and EPA policy. This notice proposes to approve the rules and incorporate them into the State Implementation Plan. The intended effect of this action is to achieve net VOC emission reductions in ozone nonattainment areas and meet the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted up to November 26, 1984.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Implementation Plan Section (A-2-3), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address, and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812
Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109
El Dorado County APCD, 360 Flair Lane, Placerville, CA 95667
Kern County APCD, 1601 "H" Street, Suite 250, Bakersfield, CA 93301
Medera County APCD, 153 West Yosemite Avenue, Madera, CA 93637
Monterey Bay Unified APCD, 1164 Monroe Street, Suite 10, Salinas, CA 93906
Sacramento County APCD, 3701 Branch Center Road, Sacramento, CA 95827
San Diego County APCD, 9150 Chesapeake Drive, San Diego, CA 92123
San Joaquin County APCD, 1601 East Hazelton Avenue, P.O. Box 2009, Stockton, CA 95201
South Coast AQMD, 9150 Flair Drive, El Monte, CA 91731
Ventura County APCD, 800 South Victoria Avenue, Ventura, CA 93009

FOR FURTHER INFORMATION CONTACT: Thomas Rarick, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9 (415) 974-7641 FTS: 454-7641.

SUPPLEMENTARY INFORMATION:

Background

Part D of the Clean Air Act requires states to revise their State Implementation Plan for all areas that have not attained the National Ambient Air Quality Standards (NAAQS).

EPA's April 4, 1979 General Preamble describes the Part D requirements for submittal of Reasonably Available Control Technology (RACT) regulations. RACT regulations for VOC are required for sources covered by the Control Techniques Guideline (CTG) documents. EPA published in the CTGs in order to assist the states in determining RACT. The CTGs contain information on available air pollution control techniques and provide recommendations on what EPA considers the "Presumptive norm" for RACT.

This notice addresses the following CTG and non-CTG VOC regulations which were submitted by the State of California on the dates indicated:

April 11, 1983 Submittal

El Dorado County Air Pollution Control District (APCD)

Rule 213—Storage of Petroleum Products at Terminals and Large Bulk Loading Facilities

March 14, 1984 Submittal

Bay Area Air Quality Management District (AQMD)

Regulation 8—Organic Compounds
Rule 31—Coating of Plastic Parts and Products
Rule 32—Wood Furniture and Cabinet Coatings

Kern County APCD

Rule 410.1—Architectural Coatings

San Diego County APCD

Rule 67.0—Architectural Coatings
Rule 67.1—Architectural Coatings
Used by Governmental Agencies (deletion)

San Joaquin County APCD

Rule 409.1—Architectural Coatings
Rule 490.4—Surface Coating of Metal Parts and Products

South Coast AQMD

Rule 1108.1—Emulsified Asphalt
Rule 1141.1—Coatings and Ink Manufacturing

Ventura County APCD

Rule 74.2—Architectural Coatings

April 19, 1984 Submittal

Bay Area AQMD

Regulation 8—Organic Compounds
Rule 6—Terminals and Bulk Plants
Rule 7—Gasoline Dispensing Facilities
Rule 29—Aerospace Assembly Coating
Rule 33—Bulk Gas Distribution Facilities and Delivery Vehicles

Monterey Bay Unified APCD

Rule 246—Architectural Coatings

Sacramento County APCD

Rule 441—Organic Solvents
Rule 442—Architectural Coatings
Rule 444—Petroleum Solvent Dry Cleaning
Rule 445—Perchloroethylene Dry Cleaning
Rule 446—Storage of Petroleum Products
Rule 448—Gasoline Transfer Into Stationary Storage Containers
Rule 449—Transfer of Gasoline Into Vehicle Fuel Tanks
Rule 450—Rotogravure and Flexographic Printing
Rule 451—Surface Coating of Manufactured Metal Parts and Products
Rule 452—Can Coating
Rule 453—Cutback and Emulsified Asphalt Paving Materials
Rule 454—Degreasing Operations
Rule 455—Pharmaceutical Manufacturing

South Coast AQMD

Rule 1124—Aerospace Coating

July 10, 1984 Submittal

Bay Area AQMD

Regulation 8—Organic Compounds
Rule 11—Metal Containers, Closure and Coil Coating
Rule 34—Landfill Operations
Rule 35—Coatings and Ink Manufacture

El Dorado County APCD

Rule 215—Architectural Coatings

Rule 216—Examptions (deletion)
Rule 216—Organic Compounds
Rule 217—Identification of Coatings (deletion)

Madera County APCD

Rule 409—Architectural Coatings
Rule 410—Manufactured Metal Parts and Products

South Coast AQMD

Rule 1113—Architectural Coatings

Description of Regulations

Nine rules for architectural coatings have been revised to include extended compliance dates for nonflat coatings and new limits for certain previously exempt specialty coatings. A number of new rules establish limits for the surface coating of plastic parts and products; surface coating of wood furniture and cabinets; emissions from landfills; and the manufacture of coatings and inks. Existing rules for the surface coating of metal parts and products and aerospace assembly have been revised to allow the development of complying coatings for limits which are more stringent or have wider applicability than the limits recommended in the CTG for metal parts and products. Rules for gasoline transfer operations have been revised to require increased collection efficiency of vapors. Compliance dates for solvent limits which are more stringent than those recommended in the CTG for cutback asphalt have been extended in one rule to allow the development of suitable medium setting emulsified asphalts. A rule for dry cleaning operations has been revised to be consistent with CTG requirements for large petroleum dry cleaners. The compliance date for 3-piece can end sealing compounds has been delayed in a can coating rule to allow the development of suitable complying formulations. Revisions to other rules are minor or administrative in nature.

EPA Proposed Action

EPA proposes to approve the rules listed above since they are consistent with the Clean Air Act, EPA policy and 40 CFR Part 51. A copy of EPA's evaluation is available for inspection at the EPA Region 9 office.

Regulatory Process

I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. The Office of Management and Budget has exempted these rules from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations.

Authority: Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7501 to 7508, and 7601(a)).

Dated: September 27, 1984.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 84-28038 Filed 10-24-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL-2703-2]

Proposed State Implementation Plan Disapproval Federal Assistance Limitations and Construction Moratorium; Public Hearing Notice; State of New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing on proposed rule.

SUMMARY: On September 4, 1984, the Environmental Protection Agency proposed to disapprove the inspection and maintenance (I/M) portion of the New Mexico State Implementation Plan (SIP) for attainment of the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) in Bernalillo County, New Mexico. The agency also proposed to limit certain Federal funding assistance and prohibit the construction or modification of major stationary sources of CO in Bernalillo County as mandated by the Clean Air Act. EPA also announced that a public hearing would be held if requested. In response, the City of Albuquerque and others requested a public hearing. This notice announces that EPA will hold a public hearing on the proposed notice, and the comment period is extended until 30 days after the date of the hearing.

DATE: The public hearing is scheduled on December 4, 1984, 7:00 P.M. to 10:00 P.M., in Albuquerque, New Mexico.

ADDRESS: The hearing will be held in City Council Chambers, City Hall, 400 Marquette, N.W., Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Robert R. Broyles, Chief, State Program Section, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: On September 4, 1984 (at 49 FR 34866), EPA proposed to disapprove the inspection and maintenance (I/M) portion of the New Mexico SIP for attainment of the CO NAAQS in Bernalillo County, New Mexico. EPA believes that the State has not submitted an I/M plan which considered each element required by Section 172 of the CAA and that reasonable efforts toward submitting such a plan are not being made. EPA is proposing this determination because the New Mexico Supreme Court held that the funding and other provisions of the I/M plan were not authorized by State law. The ordinances providing the authority for controlling emissions from motor vehicles in Bernalillo County were then repealed, and the inspection facilities were close on March 28, 1984. The City, County and State have initiated informal efforts to reinstate the program; however, after receiving the facts, EPA does not believe that reasonable efforts are being made. The agency also proposed to limit certain Federal funding assistance, including Section 105 of the CAA, and to prohibit the construction or modification of major stationary sources of CO in Bernalillo County as mandated by the CAA.

The proposed notice solicited comments and requests for a public hearing on these actions. On September 7, 1984, the City of Albuquerque requested that a public hearing be held before any final action on the September 4, 1984 **Federal Register** notice is taken.

This notice announces that a public hearing will be held on December 4, 1984, from 7:00 P.M. to 10:00 P.M. in City Council Chambers, City Hall, Albuquerque, New Mexico 87103. The public comment period is extended until 30 days after this hearing is held. This public hearing is being held pursuant to section 105(e) of the CAA, which requires EPA to provide an opportunity for a public hearing before it disapproves, revokes or reduces air planning grants.

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Carbon monoxide.

Dated: October 15, 1984.

Myron O. Knudson,

Acting Regional Administrator.

[FR Doc. 84-28204 Filed 10-24-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[OSWER-4-FRL-2702-8]

South Carolina; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on application of South Carolina for final authorization, public hearing, and public comment period.

SUMMARY: South Carolina has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed South Carolina's application and has made the tentative decision that South Carolina's hazardous waste program satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA intends to grant Final Authorization to the State to operate its program in lieu of the federal program. South Carolina's application for final authorization is available for public review and comment, and a public hearing will be held to solicit comments on the application if significant public interest is expressed.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for 7:00 p.m., Tuesday, November 27, 1984. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by November 22, 1984. EPA will determine by November 23, 1984, whether there is significant interest to hold the public hearing. South Carolina will participate in the public hearing held by EPA on this subject if a hearing is to be held. All written comments on the South Carolina Final Authorization application must be received by the close of business on November 22, 1984.

ADDRESSES: Copies of South Carolina's Final Authorization application are available from 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

Bureau of Solid and Hazardous Waste Managment Branch, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, Contact: Robert E. Malpass, (803) 758–5681;

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Contact: Carolyn Mitchell, (404) 881–4216;

U.S. Environmental Protection Agency, Headquarters Library, PM–211A, 401 M Street, S.W., Washington, DC 204601 (202) 382–5926.

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the South Carolina application must be sent to: Allan E. Antley, Chief, Waste Planning Section, U.S. EPA, 345 Courtland Street, N.E., Atlanta, Georgia 303651, (404) 881–3016.

If you wish to find out whether or not EPA will hold a public hearing on the South Carolina application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after November 23, 1984, the EPA contact person listed below, or telephone Mr. Robert E. Malpass, Chief, Bureau of Solid and Hazardous Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

If significant public interest is expressed, EPA will hold a public hearing on South Carolina's application for Final Authorization on Tuesday, November 27, 1984, at 7:00 p.m. at Peeples Auditorium, Sims Building, 2600 Bull Street, Columbia, South Carolina.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley, Chief, Waste Planning Section, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 881–3016.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize the State hazardous waste programs to operate in the State in lieu of the federal hazardous waste program. Two types of authorization may be granted. The first type, known as "Interim Authorization," is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the federal program (Section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121–271.137 established a phased approach to Interim Authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260–263, and 265 (universe of hazardous wastes, generator standards, transporter standards, and standards for interim status facilities), and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II A covers general permitting procedures and technical standards for containers and tanks. Phase II B covers permitting of incinerator facilities, and Phase II C addresses permitting of landfills, surface impoundments, wastepiles, and land treatment facilities. By statute, all Interim Authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received Final Authorization, as described below.

The second type of authorization is a "Final" (permanent) Authorization that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the federal program, (2) is consistent with the federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained Interim Authorization in order to qualify for Final Authorization. EPA regulations for Final Authorization appear at 40 CFR 271.1–271.23.

B. South Carolina

The State received Interim Authorization for Phase I on February 2, 1981, Interim Authorization for Phase II, Components A and B, on November 3, 1982, and Component C on December 6, 1983. On April 21, 1984, the State submitted a draft application for Final Authorization. The complete application for Final Authorization was submitted on July 23, 1984. Prior to submission of the application to EPA, South Carolina solicited public comments and held a public hearing on June 8, 1984. The State received no written comments. There also were no attendees at the hearing, and consequently, one was not held. EPA's comments on the final application were forwarded to the State on August 28, 1984.

The comments requested South Carolina demonstrate that naturally-occurring and accelerator-produced radioactive wastes are regulated under the South Carolina Radiation Protection Act in a manner equivalent to RCRA. These wastes are hazardous if they are listed in 40 CFR Part 261, Subpart D, or when they exhibit any characteristic identified in Part 261, Subpart C. The Attorney General was asked to demonstrate that the State has the authority to prosecute criminally any person who makes a false statement or representation in any document used for program compliance. The State was asked to provide detailed information on their compliance and enforcement

procedures in the Program Description and to alter the MOA to conform to guidelines on permitting.

South Carolina law was amended to extend the full range of RCRA control over naturally-occurring and accelerator-produced radioactive wastes. In addition EPA has determined, through consultation with the regulated community and research organizations, that no such wastes are known to exist. By letter dated September 13, 1984, the Attorney General satisfactorily demonstrated the State possessed authority to prosecute criminally any person who makes a false representation in any document used for program compliance. The State also provided revisions in the Program Description and the MOA, respectively, regarding compliance/enforcement procedures and permitting commitments.

The Bureau of Solid and Hazardous Waste Management of the South Carolina Department of Health and Environmental Control has been evaluated to determine its capability to conduct a quality hazardous waste program. The State has experienced difficulty in meeting its grant commitments for issuing permits and in compliance and enforcement actions. The State has agreed to improve processing practices and procedures for the work load increase projected for permitting for the next several years. They have adopted EPA's enforcement policy on late and deficient Part B's. They are instituting enforcement practices that will be equivalent to EPA's Enforcement Response Policy.

EPA's final determination on granting authorization will be based on the State's ability to meet the above commitments and correct other program deficiencies which are delineated in the Letter of Intent.

EPA has reviewed South Carolina's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Final Authorization to South Carolina. Copies of South Carolina's application are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

EPA will consider all public comments on its tentative determination. Issues raised by those comments may be the basis for a decision to deny Final Authorization to South Carolina. EPA expects to make a final decision on whether or not to approve South Carolina's program by January 22, 1984, and will give notice of it in the Federal Register. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(B), I hereby certify that this authorization will not have significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

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

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian-lands, Reporting and record keeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegation 8-7.

Dated: September 28, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-28201 Filed 10-24-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 721

[OPTS-50519; TSH-FRL-2620-2]

[(Dinitrophenyl)Azo]-[2,4-Diamino-5-Methoxybenzene] Derivatives; Proposed Determination of Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for substances which were the subject of premanufacture notices (PMN) P-83-817 and P-83-818.

DATES: Written comments should be submitted by December 24, 1984.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

Comments should include the docket control number OPTS-50519. Non-confidential versions of comments received on this proposal will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Rm. E-107, at the address given above. For further information regarding the submission of comments containing confidential business information see unit XI of the preamble.

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

SUPPLEMENTARY INFORMATION: OMB Control Number: 2070-0012.

I. Authority

Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule, after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is subject to the same requirements and procedures as a PMN submitted under section 5(a)(1)(A) of TSCA which are interpreted at 40 CFR Part 720 published in the Federal Register of May 13, 1983 (48 FR 21722). In particular, these include the information submission requirements of section 5(b) and (d)(1), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5 (e) and (f). If EPA does not take regulatory action under section 5, 6, or 7 to control activities on which it has received a SNUR notice, section 5(g) requires the Agency to explain in the Federal Register its reasons for not taking action.

Substances covered by proposed or final SNURS are subject to the export reporting requirements of TSCA section 12(b). EPA regulations interpreting section 12(b) requirements appear at 40 CFR Part 707. Substances subject to final SNURs are subject to TSCA

section 13 import certification requirements at 19 CFR 12.118 through 12.127 and 127.28 published in the Federal Register of August 1, 1983 (48 FR 34734). The EPA policy in support of these requirements appears in 40 CFR Part 707 published in the Federal Register of December 13, 1983 (48 FR 55462).

II. Applicability of General Provisions

EPA promulgated general provisions applicable to SNURs under 40 CFR Part 721, Subpart A, published in the Federal Register of September 5, 1984 (49 FR 35011). EPA is proposing that these general provisions apply to this SNUR without change except as discussed in this preamble and as provided in the rule. Interested persons should refer to the above cited document for a detailed discussion of the general provisions.

III. Summary of this Proposed Rule

The chemical substances subject to this proposed rule are identified generically as [(Dinitrophenyl)azo]-[2,4-diamino-5-methoxybenzene] derivatives. They were the subject of PMNs P–83–817 and P–83–818. EPA is proposing to designate the following as significant new uses of the substances: Manufacture, import, or processing as a powder or dry solid.

IV. Background

On June 8, 1983, EPA received two PMNs which the Agency designated as P–83–817 and P–83–818. EPA announced receipt of the PMNs in the Federal Register of June 24, 1983 (48 FR 29048). The notice submitter stated that the substances will be used as disperse blue azo dyes.

The notice submitter claimed the following as confidential business information (CBI): Company name, specific chemical identity, production volume, and information concerning processing. Under section 14(a)(4) of TSCA, the Agency may disclose CBI relevant in any proceeding. "[D]isclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding." EPA is not convinced that this rulemaking will be so impaired by these claims as to justify disclosure of CBI. Therefore, EPA has decided not to disclose any of the CBI at this time. The Agency Specifically requests comment on this approach for this SNUR rulemaking.

For purposes of clarity, the substances will be referred to by their generic name and PMN numbers. The Agency is concerned that P–83–817 and P–83–818 may present potential carcinogenic risks to human health following ingestion or swallowing of inhaled particles from dusting of dry solid or powder forms of the two substances. This conclusion is based on the close structural analogy of certain phenylenediamines to anticipated phenylenediamine products resulting from azo reduction of P–83–817 and P–83–818. Since the chemical identity of both substances is being treated as CBI, the identities of the closely related analogues are also being treated as CBI for the purposes of this proposed rulemaking. Disclosure of analogue identities may reveal the identities of P–83–817 and P–83–818. A non CBI version of the technical support document which describes in detail the basis of EPA's concern for carcinogenicity is available in the public file.

Many close structural analogues of the phenylenediamine class have given positive indications of carcinogenic potential in bioassays and short-term mutagenicity tests performed by and for the National Cancer Institute, the National Toxicology Program, and other investigators. A position paper on the "prediction of the carcinogenic potential of phenylenediamines and related compounds from structure-activity relationships," prepared by the EPA Health and Environmental Review Division's Science Policy Committee (1982) concluded that certain phenylenediamines have carcinogenic potential. Carcinogenicity test data were not found for P–83–817 and P–83–818 or the expected azo reduction products.

During review of the PMNs, EPA identified the above health concern for the substances. However, the PMN submitter indicated that it intended to manufacture and process the substances only as a liquid or paste. EPA concluded that no regulatory action was necessary for the PMN submitter's activities because workers would be exposed to the substances only through dermal exposure to the liquid or paste. Because of the high molecular weight of the substances, EPA concluded that dermal absorption was unlikely to occur. In addition, EPA concluded that azo reduction would be unlikely to take place on the skin. Inhalation exposure to liquid or paste forms of the substance is very unlikely.

Since the PMN submitter commenced commercial manufacture of the substances and submitted a notice of commencement of manufacture to EPA, the Agency has added the substances to the TSCA Chemical Substance Inventory. Other persons could manufacture, import, or process these substances in powder or dry solid form. Such activities would change the nature and extent of human exposure to the substances and could result in carcinogenic effects in workers. Therefore, EPA is proposing to designate manufacture, import, or processing of the substances as a powder or dry solid as significant new uses so that the Agency can review those uses before they occur.

For this SNUR, worker exposure to powders or dry solids are of greater concern to the Agency than exposure to paste or liquid forms of P–83–817 and P–83–818. If the substances are manufactured, imported, processed, or used as a powder or dry solid, workers potentially could be exposed to the substances during weighing, sampling, blending, drying, drumming, or bagging operations because powder or dry solids are likely to dust and inhalation exposures can occur. The inhalation route of exposure is not of concern for liquids or paste forms because such forms do not have the potential to dust. Inhalation of dust is of concern to the Agency because the particles can become trapped on the mucous lining of respiratory airways and be transported via ciliary action to the digestive system. Gastrointestinal absorption of intact dye molecules or azo reduction products of P–83–817 and P–83–818 may occur. Azo reduction of these substances is expected to occur through actions of intestinal bacteria or hepatic enzymes to yield certain phenylenediamines.

V. Determination of Proposed Significant New Use

To determine what would constitute a significant new use of these chemical substances, EPA considered relevant information about the toxicity of P–83–817 and P–83–818 and likely exposures associated with possible significant new uses, including the four factors listed in section 5(a)(2) of TSCA. In particular, EPA considered the extent to which the potential uses might change or increase the exposure to humans. Based on these considerations, EPA proposes to define the significant new uses of P–83–817 and P–83–818 as set forth in Unit III of this preamble.

As proposed § 721.300(b)(1) indicates, by "powder or dry solid," EPA means a state where all or part of the substance consists of or would have the potential to become fine, loose, solid particles. Typically, this would result from the removal of a solvent from a solution or filtercake, thus isolating P–83–817 and P–83–818 as a solute which may undergo further solvent removal by the addition of heat and subsequent crushing and grinding to reduce the particle size. Persons who dye material are

considered to be processors of the dye and thus would be subject to this SNUR.

VI. Alternatives

Before proposing this SNUR, EPA considered other possible approaches to ensure protection of human health.

1. One alternative would be to promulgate a section 8(a) reporting rule for the substances. Under such a rule, EPA could require any person to report to EPA before manufacturing, importing, or processing the substances. However, in this particular instance, the use of section 8(a) rather than SNUR authority has drawbacks, Small businesses would be exempt from reporting under section 8(a). In addition, if EPA received a report under section 8(a) indicating that a person intended to manufacture, import, or process the substances as a powder or dry solid, the Agency could not take immediate action under section 5(e), as it can under a SNUR, and therefore would not be able to regulate the substance pending development of information. Rather, in a situation such as this, EPA would have to consider regulating the substance under TSCA section 6, which would require a separate rulemaking aciton. Moreover, in view of the current lack of health effects data on P–83–817 and P–83–818, EPA first would likely to have to obtain test data on the substances under section 4 of TSCA to support an action under section 6. This approach would allow unnecessary risks to human health during the time needed for data development.

2. The Agency also has the authority to regulate substances under section 6 of TSCA. However, the Agency may regulate under section 6 only if there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture "presents or will present" an unreasonable risk of injury to human health and/or the environment. There is insufficient information to perform a reasoned evaluation of the health effects of P–83–817 and P–83–818 at this time. Therefore, the Agency cannot state with certainty that the substances present or will present an unreasonable risk and cannot, at this time, regulate the substances under section 6.

VII. Exemptions to Reporting Requirements

The Agency has codified general exemption provisions covering SNUR reporting under § 721.19. On a case-by-case basis, the Agency may modify these provisions with specific language in Subpart B. However, in this case, the Agency is proposing that § 721.19 apply in its entirety.

In the **Federal Register** of May 13, 1983 (48 FR 21722), EPA issued its final premanufacture notification rules under 40 CFR Part 720, including § 720.36 which contained detailed rules for the section 5(h)(3) exemption for chemical substances manufactured or imported in small quantities solely for research and development. On September 13, 1983 (48 FR 41132), EPA stayed the effectiveness of § 720.36, among other provisions of the PMN rule, pending further rulemaking to revise the provisions. Because § 720.36 was not in effect when EPA codified § 721.19, the Agency relied on the general definition of "small quantities solely for research and development" in § 720.3(cc) and section 5(h)(3) of TSCA to determine whether a manufacturer or importer qualifies under this exemption. Upon promulgation of a revised § 720.36, EPA intends to amend § 721.19 and this rule to adopt the provisions of the revised § 720.36.

Section 721.19(g) of the general SNUR provisions exempts persons from SNUR reporting when they manufacture or process the substances solely for export and label the substances in accordance with section 12(a)(1)(B) of TSCA. While EPA is concerned about worker exposure during manufacture and processing of the substances, EPA lacks the authority under section 12(a) of TSCA to require reporting of such manufacture or processing for a significant new use. EPA does not yet have sufficient information to make the "will present an unreasonable risk" finding necessary to regulate a substance manufactured or processed solely for export. However, such persons would be required to notify EPA of such export under section 12(b) of TSCA (see § 721.7 of the general SNUR provisions). Such notification will allow EPA to monitor manufacture and processing activities which are not subject to significant new use reporting. The term "manufacture solely for export" is defined in the PMN rule (40 CFR 720.3(s)). The term "process solely for export" is defined in the general SNUR provisions in a similar fashion. Thus persons would be exempt from reporting under this SNUR if a person manufactures (the term manufacture includes import) or processes the substances solely for export from the U.S. under the following restrictions: (1) There is no use of the substance in the U.S.; (2) processing is restricted to sites under the control of the manufacturer or processor, respectively; and (3) distribution in commerce is limited to purposes of export. If a person manufactured or processed the substances both for export and for use in the U.S., such manufacture and processing would not be "solely for export" because manufacture or processing would be for use in the U.S.

VIII. Applicability of Proposal to Uses Occurring Before Promulgation of Final Rule

To establish a significant new use rule, the Agency must, among other things, determine that the use is not ongoing. In this case, the chemical substances in question have undergone premanufacture review. When the notice submitter began manfacture of the substances, the submitter sent EPA a notice of commencement of manufacture, and the substances were added to the Inventory. The notice submitter indicated that it did not intend immediately to undertake the activities designated in this proposal as significant new uses, and EPA has no indication that it has done so contrary to its original intent. Therefore, at this time, the Agency has concluded that these uses are not ongoing. However, EPA recognizes that once the chemical substances subject to this SNUR are added to the Inventory, they may be manufactured, imported, or processed by other persons for a significant new use as defined in this proposal before promulgation of the rule.

If, after publication of this proposal, someone were to undertake the designated significant new uses, they could argue that the uses are not "new" at the time the rule is promulgated, and therefore not significant new uses. EPA finds that the intent of section 5(a)(1)(B) can best be served by determining whether such a use is a significant new use as of the proposal date of the SNUR. If uses begun during the proposal period were not considered to be significant new uses, it would be almost impossible for the Agency to establish SNUR notice requirements, since any person could defeat the SNUR by initiating the proposed significant new uses before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B).

Thus, if the substances are manufactured, imported, or processed between proposal and promulgation for the proposed significant new uses, the Agency will still consider the uses to be significant new uses if they are retained in the final rule. EPA recognizes that this interpretation may disrupt commercial activities of persons who began manufacture, importing, or processing for the significant new uses during the proposal period. However, this proposal constitutes notice of that potential

disruption, and persons who commence a proposed significant new use do so at their own risk.

Because the identities of P–83–817 and P–83–818 are confidential, any person who proposes to manufacture or import P–83–817 and P–83–818 is unlikely to know that the substances are on the Inventory and, therefore, is likely to submit a *bona fide* request under either 40 CFR 710.7(e) or 720.85(b) to determine whether the substances are on the Inventory. If EPA determines that the person has a *bona fide* intent to manufacture or import the substances and that the substances the person proposes to manufacture or import are P–83–817 and P–83–818, EPA will inform the person that the substances are subject to this proposal. This will give the person adequate notice of this proposal, an adequate chance to comment, and will help prevent potential disruption.

IX. Test Data and Other Information

EPA recognizes that under TSCA section 5, persons are not required to develop any particular test data before submitting a notice. Rather, a person is required only to submit test data in his possession or control and to describe any other data known to or reasonably ascertainable by him. However, in view of the potential health risks that may be posed by a significant new use of P–83–817 and P–83–818, EPA encourages possible SNUR notice submitters to conduct tests that allow a more reasoned evaluation of the substances' potential to cause carcinogenic effects. These data might be generated by testing P–83–817 and P–83–818 as well as certain anticipated azo reduction products in the Ames mutagenicity assay, with and without metabolic activation. Positive Ames results should be followed up with a life-time bioassay consistent with TSCA testing guidelines. These studies may not be the only means of addressing the potential risks. Depending upon EPA's calculations of the risks involved, if a SNUR notice is submitted for the subject substances without such test data or other information to demonstrate that exposure is adequately contolled, EPA could take action under section 5(e). Data should be developed and submitted in accordance with the TSCA good laboratory practices regulations at 40 CFR part 792, published in the Federal Register of November 29, 1983 (48 FR 53922). EPA encourages persons to consult with the Agency before selecting a protocol for testing the substances.

EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new use. In addition, EPA urges persons to submit information on potential benefits of the substances and information on risks posed by the substances compared to risks posed by potential substitutes.

X. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for this substance. The economic analysis of the possible outcomes as a result of the promulgation of this SNUR is summarized below. The Agency's complete economic analysis is available in the public file.

After promulgation of the SNUR, the Agency believes there are two possible courses of action a company could take: (1) Comply with the SNUR by not manufacturing, importing, or processing the substances as a powder or dry solid, or (2) submit a SNUR notice proposing domestic manufacture, import, or processing of either or both of the substances as a powder or dry solid.

Outcome 1

If a company complies with the SNUR by not manufacturing, importing, or processing P–83–817 and P–83–818 as a powder or dry solid, EPA's only direct cost would be that of issuing the SNUR, and the company would not incur any direct costs. It is estimated that the Agency's cost of issuing a SNUR is $43,557. The only other costs of this outcome would be the lost benefits to the company and society that would have been derived from manufacturing, importing, or processing the substances as a powder or dry solid. Information is not available that would allow the costs of lost benefits to be quantified.

Outcome 2

The company may decide to file a SNUR notice of its intention to manufacture, import, or process P–83–817 and P–83–818 as a powder or dry solid. Under this outcome, the notice would include test results of recommended testing. EPA's costs following promulgation of the SNUR under this outcome would include reviewing the SNUR notice ($7,188).

The company would incur the cost of filing the SNUR notice, estimated at $1,440 to $8,324 for each substance. The submitter also would incur up to a 3.2 percent reduction in profits due to a four-month delay of production while the SNUR notice is being filed and reviewed. Additional costs are associated with Outcome 2 because of the expense incurred in synthesizing metabolites, conducting Ames tests, and performing a two-year bioassay if any positive results are indicated. Costs for synthesizing metabolites and conducting recommended Ames tests would range from $13,626 to $19,422 for both substances (or $8,072 to $11,384 for one substance). If a two-year bioassy is necessary as a follow-up to positive Ames results, an additional cost of $683,997 would be incurred by the company. (Only one bioassay is recommended to address carcinogenicity concerns for both P–83–817 and P–83–818). Total testing costs would, therefore, range from $13,626 to $703,419 for both substances (or $8,072 to $695,381 for one substance). Total costs for Outcome 2 range from $16,506 to $704,859 for both substances (or $9,512 to $696,821 for one substance). These total costs for Outcome 2 do not include costs associated with delays in production while the SNUR notice is being filed and reviewed or while test data is being developed. Information on production volume and price of the PMN substances, which would allow this cost to be calculated, is claimed as confidential by the submitter of the PMNs.

The Agency has not attempted to quantify the benefits of the proposed rule or of the outcome. In general, benefits will accrue if the proposed action leads to the identification and control of unreasonable risks before significant health effects.

XI. Confidential Business Information

Any person who submits comments which the person claims as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Any comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any party submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public file.

XII. Judicial Review

When this proposed rule is promulgated, judicial review may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA intends to promulgate

this rule for purposes of judicial review two weeks after publishing the final rule in the **Federal Register**. The effective date will be calculated from the promulgation date.

XIII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50519). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. The PMNs for the substances.
2. The **Federal Register** notice of receipt of the PMNs.
3. The proposed SNUR for the substances.
4. The technical support document for the proposed SNUR.
5. The economic support document for the proposed SNUR.

The Agency will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record.

EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record containing sanitized copies from which CBI has been deleted is available to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays in the OTS Public Information Office, Rm. E–107, 401 M St., SW., Washington, D.C.

XIV. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major rule" because it does not have an effect on the economy of $100 million or more, and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this proposed rule, for the reasons discussed in Unit X of this preamble, EPA believes that the cost will be low. In addition, because of the nature of the rule and the substances subject to it, EPA believes that there will be few significant new use notices submitted. Further, while the expense of a notice, the suggested testing, and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation which has high potential value. Finally, this SNUR may encourage innovation in safe chemical substances or highly beneficial uses. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule will not, if promulgated, have a significant impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this proposed rule are likely to be small businesses. However, EPA believes that few manufacturers or processors will submit SNUR notices. Therefore, although the costs of preparing a notice under this rule might be significant for some small businesses, the number of such businesses affected is not expected to be substantial.

C. Paperwork Reduction Act

Information collection requirements contained in the proposed rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2070–0012.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: October 15, 1984.

William D. Ruckelshaus,

Administrator.

PART 721—[AMENDED]

Therefore, it is proposed that Part 721 of Chapter I of Title 40 be amended by adding § 721.300 to read as follows:

§ 721.300 [(Dinitrophenyl)azo]-[2,4-diamino-5-Methoxybenzene] derivatives.

(a) *Chemical substances and significant new use subject to reporting.* (1) the following chemical substances referred to by their premanufacture notice numbers and generic chemical name are subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section: P-83–817 and P–83–818, [(Dinitrophenyl)azo]-[2,4-diamino-5-methoxybenzene] derivatives.

(2) Significant new uses are: manufacture, import, or processing as a powder or dry solid.

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

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

"Powder or dry solid" means a state where all or part of the substance consists of or would have the potential to become fine, loose, solid particles.

(2) [Reserved]

(Secs. 5, 8, Pub. L. 94–469, 90 Stat. 2012 (15 U.S.C. 2604, 2607))

[FR Doc. 84–28202 Filed 10–24–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84–9; RM–4621]

FM Broadcast Station in Bozeman, MT

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposal.

SUMMARY: Action taken herein dismisses the petition filed by Charles Joseph Thompson to assign Channel 260 to Bozeman, Montana because of no showing of continuing interest.

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

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202d(b), Table of Assignments, FM Broadcast Stations (Bozeman, Montana) MM Docket No. 84–9, RM–4621.

Adopted: October 15, 1984.
Released: October 19, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 3218, published January 26, 1984, proposing the assignment of Class C FM Channel 260 to Bozeman, Montana, as that community's third broadcast service. The *Notice* was adopted in response to a petition filed by Charles Joseph Thompson ("petitioner"). Petitioner failed to file comments reaffirming his intention to apply for the channel, if asssigned, and no other comments on the proposal were received.

2. As stated in the *Notice*, a showing of continuing interest is required before

a channel will be assigned. Therefore, in accordance with Commission policy, no further consideration will be given to the assignment of FM Channel 260 to Bozeman, Montana.

3. It is ordered, That the petition of Charles Joseph Thompson is dismissed and this proceeding is terminated.

4. For further information concerning the above, contact Patricia Rawlings, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–28137 Filed 10–24–84; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 84–12; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Motor Vehicle Safety Standard No. 108 which would allow clearance and identification lamps to flash when the hazard warning system is operating. The proposed change could enhance the conspicuity of large, disabled vehicles. The proposal implements the grant of a petition for rulemaking submitted by Lewis S. Hollins.

DATES: Comment due date: December 10, 1984. Proposed effective date: 30 days after publication of the final rule in the Federal Register.

ADDRESS: Comments on this notice must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2153).

SUPPLEMENTARY INFORMATION: Paragraph S4.6 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, in effect requires identification and clearance lamps to be steady burning when activated. The same paragraph requires hazard warning signals to flash when in use. Lewis S. Hollins of Great Neck, N.Y. petitioned the agency:

> To require an improved hazard warning system on those commercial vehicles equipped with clearance/marker and identification lights so that when the hazard warning system is in operation, the said clearance/marker and identification lights are synchronized to flash intermittently and simultaneously with the flashing of the front (left & right) and rear (left & right) turn signal lights.

In Mr. Hollins' opinion, such an amendment would make disabled vehicles more readily visible under adverse road conditions such as dips in the road, in inclement weather, and under conditions of reduced light effectiveness because of competition from other lighting sources.

The agency reviewed the petition and Standard No. 108. All motor vehicles, except passenger cars, whose overall width is 80 inches or more, must be equipped with clearance lamps, to indicate the overall width, and with identification lamps, to indicate the presence of a large vehicle in the roadway. Each such vehicle must also be equipped with a hazard warning system, which operates through the turn signal lamps. Under paragraph S4.6 the hazard warning system must flash when activated but lamps such as clearance and identification lamps are required to be steady-burning in use.

NHTSA has long been concerned with the conspicuity of large vehicles, and was interested in the views of Mr. Hollins; accordingly, it granted his petition. There is an intuitive appeal to his argument, though he submitted no data showing that the current hazard warning system is inadequate in the situations he has discussed. Unstated in the petition, and unknown to NHTSA, is the effect upon the battery of a vehicle that might occur if the clearance and identification lamps were included in the operation of the hazard warning system. The agency especially invites comments on the issues of possible safety improvement or degradation through incorporation of the lamps into the hazard warning system, and the possible effects on the electrical system. NHSTA does not believe that sufficient safety reasons compel mandating such a system, but has tentatively concluded that it could be offered as a manufacturer's option. It is therefore proposing that means may be provided to flash identification and clearance lamps with hazard warning system lamps.

NHTSA has considered the potential impacts of this proposal and has determined that the proposal is neither major within the meaning of Executive Order 12291 nor significant within the meaning of the Department of Transportation regulatory policies and procedures. The economic impacts of the new option are so minimal that a full regulatory evaluation is not necessary. One manufacturer has commented that there are three changes required to meet the option. One change is the addition of a separate wiring system for the identification and clearance lamps in those vehicles where they are included in a system with steady burning lamps.There may also be a need for an extra terminal on the connector between trailers and truck tractors. A final change that may be necessary is the addition of relays or other logic elements to allow the identification and clearance lamps to be either steady burning or to flash with the hazard warning signal (but not the turn signal). However, there may be less costly methods of accomplishing the same objective. Therefore, the agency requests that commenters specifically address this point.

The agency has also considered the impacts of these proposed amendments under the Regulatory Flexibility Act. I certify that these amendments, if adopted, would not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles, those businesses affected by this amendment, are generally not small businesses within the meaning of the Regulatory Flexibility Act, although some manufacturers of trailers may be so considered. The effect on new vehicle prices would be negligible so that small organizations and governmental units purchasing new vehicles would not be significantly affected.

Finally, the agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act of 1969 and determined that this rule would have no effect on the human environment.

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

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This

limitation is intended to encourage comments to detail their primary arguments in a concise fashion.

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

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

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

List of Subjects in 49 CFR Part 571

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

PART 571—[AMENDED]

In consideration of the foregoing, it is proposed that paragraph S4.6 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* be revised as follows:

S4.6 When activated:

(a) Turn signal lamps, hazard warning signal lamps, and school bus warning lamps shall flash; and

(b) All other lamps shall be steady-burning, except that means may be provided to flash identification and clearance lamps with hazard warning system lamps, and to flash headlamps and side marker lamps for signalling purposes.

The engineer and attorney primarily responsible for this proposal are Kevin Cavey and Taylor Vinson, respectively.

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

Issued: October 18, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84–28141 Filed 10–24–84; 8:45 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 49, No. 208
Thursday, October 25, 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

Office of the Secretary

Forms Under Review by Office of Management and Budget

October 19, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA. If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revision

- Animal and Plant Health Inspection Service

Importation of Certain Animal Embryos
VS 17–11, 17–20, 17–23, 17–29, 17–32, 17–65A, 17–65B, 17–129
On occasion
Businesses or other for-profit; 17,965 responses, 4,264 hours; not applicable under 3504(h)
N. E. Bedessem (301) 436–5533

Extension

- Foreign Agricultural Service

Declaration of Sale
FAS 359
On occasion
Businesses or other for-profit; 482 responses, 120 hours; not applicable under 3504(h)
James Chase (202) 447–5780

Larry Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 84–28177 Filed 10–24–84; 8:45 am]

BILLING CODE 3410–01–M

Farmers Home Administration

Natural Resource Management Guide Meeting; Iowa

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

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

DATES: Meeting on November 1, 1984, 1:00 a.m. to 3:00 p.m.

Comments must be received no later than December 1, 1984.

ADDRESSES: Meeting location at Room 113, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Written comments and further information will be addressed to: State Director, FmHA, 210 Walnut Street, Des Moines, Iowa 50309 (515–284–4663).

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

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

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

Dated: October 22, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84–28234 Filed 10–24–84; 8:45 am]

BILLING CODE 3410–07–M

Natural Resource Management Guide Meeting; North Dakota

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

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

DATE: Meeting on November 13, 1984, 1:00 a.m. to 3:00 p.m.

Comments must be received no later than December 13, 1984.

ADDRESSES: Meeting location at Room 257, Federal Building, Bismarck, North Dakota 58502.

Written comments and further information will be addressed to: State Director, FmHA, Post Office Box 1737, Federal Building, Bismarck, North Dakota 58502 (701–255–4011, Ext. 791).

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

SUPPLEMENTARY INFORMATION: FmHA's North Dakota State Office has prepared a draft Natural Resource Management

Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in North Dakota. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

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

Dated: October 22, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84-28233 Filed 10-24-84; 8:45 am]

BILLING CODE 3410-07-M

Natural Resource Management Guide Meeting; Wyoming

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

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

DATE: Meeting on October 29, 1984, 10:00 a.m. to 2:00 p.m.

Comments must be received no later than November 28, 1984.

ADDRESSES: Meeting location at Federal Center, Room 3116, 100 East B Street, Casper, Wyoming 82602.

Written comments and further information will be addressed to: Michael F. Ormsby, State Director, Farmers Home Administration, Post Office Box 820, Casper, Wyoming 82602 (307-261-5271).

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

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

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

Dated: October 22, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84-28235 Filed 10-24-84; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

Western Spruce Budworm Management in Sensitive Recreation Use Areas; Carson National Forest, Taos County, NM; Intent To Prepare an Environmental Impact Statement

The United States Department of Agriculture, Forest Service, will prepare an environmental impact statement to select a management strategy that effectively responds to current spruce budworm outbreaks and resulting public reaction in and around the town of Red River, Hondo, and Taos Canyons outside of Taos, New Mexico, and National Forest System lands in the viewshed of Angel Fire ski area. Primary concern is within the viewing area along the major highways and from the communities.

Public involvement to date has highlighted the following issues: (1) Potential decrease in tourism, causing economic loss to Red River; (2) potential decrease in property values; (3) decrease in visual quality causing loss of recreation opportunities; (4) loss of timber volume (mortality and growth loss); (5) loss of Federal timber and recreation revenues due to budworm damage; (6) negative public reaction to Forest Service action/inaction; (7) potential soil and watershed damage from action or inaction; (8) public concern of fire hazard; (9) economic viability of any action alternative; (10) opportunity to create wildlife habitat diversity; (11) potential adverse impact on wildlife resulting from action or inaction; (12) State and Forest Service actions must be coordinated to be effective; (13) any treatment in the wilderness will detract from its wilderness characteristics.

Scoping meetings will be held in Taos, Angel Fire, and Questa, New Mexico, during the month of October. The specific meeting places and times will be announced through the local news media.

The alternatives being considered are various combinations of the following actions on various portions of the area: One is no action, meaning no change from current management and harvest plans. Another is accelerating timber harvest of existing sales or harvest/salvage of acres not scheduled in current management plans, utilizing tractor, pickup, skyline, and/or helicopter. The third means involves the aerial and/or ground application of *Bacillus thuringiensis*. This would require repeated spraying of the same area over several years. Due to a memorandum of understanding with the Committee for Intergrated Pest Management, aerial spraying of chemical pesticides will not be considered.

The New Mexico State Forestry Division of the Department of Natural Resources will be invited to participate as a cooperating agency to evaluate potential impacts on private lands.

M.J. Hassell, Regional Forester of the Southwestern Region in Albuquerque, New Mexico, is the responsible official.

The draft environmental impact statement should be available for public review in January 1985.

Written comments and suggestions concerning the analysis should be sent to Jack Crellin, Forest Supervisor, Carson National Forest, P.O. Box 558/Cruz Alta Rd., Taos, New Mexico 87571, by November 12, 1984.

Questions about the proposed action and environmental impact statement should be directed to Jon Bumstead, Interdisciplinary Team Leader, Carson National Forest, phone (505) 758-6200.

Dated: October 15, 1984.

M.J. Hassell,

Regional Forester.

[FR Doc. 84-28218 Filed 10-24-84; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 274]

Resolution and Order Approving the Application of the Hawaiian State Department of Planning and Economic Development for a Special-Purpose Subzone in Honolulu, HI; Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Hawaiian State Department of Planning and Economic Development, submitted on behalf of the State of Hawaii, grantee of Foreign-Trade Zone 9, filed with the Foreign-Trade Zones Board (the Board) on May 18, 1984, requesting special-purpose subzone status for export-related operations at the milling and blending facility of Hawaiian Flour Mills, Inc. (HFM), in Honolulu, Hawaii, within the Honolulu Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone in Honolulu, Hawaii

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, The Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Hawaiian State Department of Planning and Economic Development, on behalf of the State of Hawaii, grantee of Foreign-Trade Zone No. 9, has made application (filed May 18, 1984, Docket No. 28–84, 49 FR 22120) in due and proper form to the Board for authority to establish a special-purpose subzone for the export operations of Hawaiian Flour Mills, Inc. in Honolulu, Hawaii, with the Honolulu, Hawaii, within the Honolulu Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed May 18, 1984, the Board hereby authorizes the establishment of a subzone for the export operations of the Hawaiian Flour Mills plant in Honolulu, designated on the records of the Board as Foreign-Trade Subzone No. 9B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permit shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 17th day of October 1984 pursuant to Order of the Board.

Foreign-Trade Zones Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-28225 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-469-008]

Carbon Steel Wire Rod From Spain; Amendment to the Final Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of Amendment to the Final Determination of Sales at Less Than Fair Value.

SUMMARY: As a result of the correction of incorrect product groupings and clerical errors, the Department of Commerce is amending the final determination in this investigation, directing the U.S. Customs Service to adjust the estimated duty deposit or bonding requirement for Nueva Montana Quijano, S.A. (NMQ), and excluding from the final determination wire rod produced by Forjas Alavesas, S.A. (FASA).

EFFECTIVE DATE: October 25, 1984.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; Telephone: (202) 377–2830.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 1984, we published a final affirmative antidumping duty determination on carbon steel wire rod (wire rod) from Spain (49 FR 38173). Due to a Department programming problem when making merchandise comparisons based on quality and dimensional categories for NMQ, the product groupings did not contain the proper foreign market transactions, which resulted in the computation of incorrect dumping margins. Due to clerical errors when programming the various product groupings for FASA, certain grades were placed in the wrong product groupings, which resulted in computation errors in

the dumping margin. We now correct these errors.

In the "Final Determination" section of the notice, we stated: "We have found that the foreign market value of wire rod exceeded the United States price on 96.28 percent of the sales compared. These margins ranged from 4.59 percent to 69.63 percent. The overall weighted-average margin on all sales compared is 34.05 percent." These sentences are amended to read: "We have found that the foreign market value of wire rod exceeded the United States price on 96.21 percent of the sales compared. These margins ranged from 1.0 percent to 83.16 percent. The overall weighted-average margin on all sales compared is 36.43 percent."

In the "Suspension of Liquidation" section of the notice, we stated: "With regard to entries of wire rod from FASA, we are directing the Customs Service to suspend liquidation of all entries of wire rod which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**." This sentence is hereby deleted. The posting of a cash deposit or bond will now be based on the following revised weighted-average margins.

	Weighted-average margin percentage
NMO	41.25
ENSIDESA (no change from original final determination)	34.62
FASA	[1] 0.12
All Other Manufacturers/Producers/Exporters	36.43

[1] Exports of wire rod produced by FASA are hereby excluded from this determination since the dumping margins on wire rod produced and exported by FASA were *de minimis*.

No other information in the September 27, 1984, final determination is affected by this amendment. The United States International Trade Commission is being advised of this amendment.

Dated: October 19, 1984.

Alan F. Holmer,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-28227 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-405]

Fabric Expanded Neoprene Laminate From Japan; Initiation of Antidumping Duty Investigation

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether fabric expanded neoprene laminate (FENL) from Japan is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before November 13, 1984, and we will make ours on or before March 9, 1985.

EFFECTIVE DATE: October 25, 1984.

FOR FURTHER INFORMATION CONTACT: Mary Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION:

The Petition

On October 1, 1984, we received a petition in proper form filed by Rubatex Corporation. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that the imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

The petitioner based the United States prices on actual sales to U.S. purchasers, less foreign inland freight, ocean freight, duty, insurance, commissions, credit expenses, and U.S. inland freight. Petitioner had no information on Japanese home market or third country prices. We calculated foreign market value based on petitioner's production costs adjusted to reflect estimated Japanese costs with the statutory minimums for general expenses and profit. Based on the comparison of prices to costs calculated by the foregoing methods, we found potential dumping margins ranging from 12 to 22 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an anti dumping duty investigation and whether it contains information reasonably available to the petitioners supporting the allegations.

We examined the petition on FENL and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether FENL from Japan are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by March 9, 1985.

Scope of Investigation

The product covered by this investigation is fabric expanded neoprene laminate currently classified under item numbers 355.81, 355.82, 359.50, and 359.60 of the *Tariff Schedules of the United States* (TSUS). This material is used primarily in the manufacture of wet suits and similar products for the skin diving and recreational markets.

Notification of ITC

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

Preliminary Determination by ITC

The ITC will determine by November 13, 1984, whether there is a reasonable indication that imports of FENL from Japan are causing material injury, or threaten material injury, to a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: October 22, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-28226 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-406]

Initiation of Countervailing Duty Investigation—Certain Agricultural Tillage Tools From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Initiation of Countervailing Duty Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Brazil of certain types of agricultural tillage tools, as described in the "Scope of the Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) so that it may determine whether imports of the subject merchandise materially injure, or threaten material injury to, a U.S. industry. The petition also alleges that "critical circumstances" exist within the meaning of section 703(e)(1) of the Act. If our investigation proceeds normally, we will make our preliminary determination on or before December 22, 1984.

EFFECTIVE DATE: October 25, 1984.

FOR FURTHER INFORMATION CONTACT: Lisa Donovan, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, D.C. 20230. Telephone (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Petition

On September 28, 1984, we received a petition filed by Ingersoll Products Corporation, Empire Plow Company, Inc., and Nichols Tillage Tools, Inc., three major domestic agricultural tillage tool producers who comprise the U.S. industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters of certain agricultural tillage tools in Brazil receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry. In addition, the petition alleges that "critical circumstances" exist within the meaning of section 703(e)(1) of the Act.

Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore Title VII of the Act applies to this investigation and an injury determination is required.

Initiation of Investigation

Under section 702(c) of the Act, within 20 days after a petition is filed, we must determine whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain agricultural tillage tools from Brazil and we have found that the petition meets those requirements. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of certain agricultural tillage tools, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination by December 22, 1984.

Scope of the Investigation

The products covered by this investigation are certain agricultural tillage tools which are currently classified under item numbers 666.0015, 666.0020, 666.0050, 666.0060, 666.0065, and 666.0075, of the *Tariff Schedules of the United States, Annotated (TSUSA).*

The certain agricultural tillage tools covered by this petition are ground-engaging metal tools for tillage and cultivating equipment such as cultivators, discers, and harrows. Tillage tools include round-shaped tools such as colters, furrow opener blades, etc., and tools that are non-round shaped (rectangular, triangular, and other odd shapes) such as points, chisels, sweeps, shovels, knives, furrowers, tines, drills, lister bottoms, rotary tiller blades, bed-shaping tools, as well as plowshares, plowshines, moldboards, etc.

Allegations of Subsidies

The petition alleges that Brazilian manufacturers, producers, or exporters of certain agricultural tillage tools receive benefits which constitute subsidies. We are initiating on the following allegations:

- FINEX Export Financing Program: Resolution 68
- Export Financing Under CIC–CREGE 14–11
- Industrialized Products Tax (IPI) Export Credit Premium
- Working Capital Financing for Exports: Resolutions 674 and 882
- Income Tax Exemption for Export Earnings
- BEFIEX Program—Decree Laws 77065 and 1219
- Accelerated Depreciation of Equipment
- Tax Reductions on Equipment used in Export Production
- Industrial Development Council (CDI) Program
- Financing for Storage of Merchandise Destined for Export: Resolution 330

We have determined not to initiate on the following allegations:

1. Subsidized Steel Inputs

With respect to subsidized steel inputs, the Department has stated on several occasions that benefits bestowed upon the manufacture of an input do not necessarily flow down to the purchaser of that input. When sales transactions are made at arm's length, the Department takes economic considerations into account to determine whether a benefit received by a seller is passed on to the purchaser [see *Welded Carbon Steel Pipes and Tubes from Brazil,* 47 FR 44814 (1982); 47 FR 57551 (1982)]. The petition does not allege, nor does it provide any evidence, that the Brazilian manufacturers of agricultural tillage tools are related to Brazilian producers of carbon steel or that transactions between these parties are conducted on other than an arm's-length basis. There is nothing in the record of previous countervailing duty investigations against various Brazilian steel producers that suggest otherwise. Moreover, petitioners have not alleged that the relevant inputs are not available at comparable prices from other sources, or that Brazilian producers of inputs undercut prices available from other suppliers. Therefore, the petitioner has not alleged that a competitive benefit is conferred upon agricultural tillage tools by reason of subsidized steel inputs in Brazil. Accordingly, we will not initiate on this allegation at this time. We will promptly reconsider this question on the basis of any additional information provided during the investigation.

2. BNDES Partially-Indexed Long-Term Loans

In our final determination on Certain Carbon Steel Products from Brazil, dated April 26, 1984 (49 FR 17988), we determined that BNDES financing did not confer subsidies on the companies investigated during the 1982 period of review, because such financing was generally available. Since the petition presents no new evidence or changed

circumstances with respect to this program, we will not examine it again at this time.

Allegation of Critical Circumstances

Petitioner alleges that critical circumstances exist with respect to imports of certain agricultural tillage tools from Brazil. They claim that the products concerned benefit from export subsidies that are inconsistent with the Agreement (the Subsidies Code), and that imports have been massive over a relatively short period.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission (ITC) of this action, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by November 12, 1984, whether there is a reasonable indication that imports of certain agricultural tillage tools from Brazil materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated: otherwise, the investigation will proceed to conclusion.

Dated: October 18, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-28228 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-D-M

Minority Business Development Agency

Program Application; Correction

AGENCY: Minority Business Development Agency, Commerce.

Subject: Minority Business Development Program, Request for Applications.

ACTION: Correction.

SUPPLEMENTARY INFORMATION: The following correction is made to the notice that appeared in the Friday, October 12, 1984 issue of the **Federal Register**, FR DOC. 84-27005, page 40071, 1st paragraph, 10th & 11th lines:

The total cost for the MBDC is corrected to read "$176,470" in lieu of "$200,000" which will consist of a maximum of $150,000 Federal funds and a minimum of $26,470 non-Federal funds (which can be a combination of cash, in-kind contribution and fees for service).

Dated: October 18, 1984.

William Bird,

Business Development Specialist.

[FR Doc. 84-28260 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Public Hearing Scheduled for the Proposed Weeks Bay (Alabama) National Estuarine Sanctuary

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement and Management Plan prepared for the proposed Weeks Bay (Alabama) National Estuarine Sanctuary. The hearing will be held on November 8, 1984, 7:00 pm at the Fairhope Municipal Complex in Fairhope, Alabama.

The views of interested persons and organizations on the adequacy of the impact statement and management plan on the proposed Weeks Bay National Estuarine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be on a first-come, first-served basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined.

As part of the procedures leading toward designation of this sanctuary, a Final Environmental Impact Statement and Management Plan (FEIS/MP) reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing guidelines. All written comments received by OCRM prior to the close of the comment period (November 19, 1984) will be included in the FEIS/MP.

FOR FURTHER INFORMATION CONTACT: William Thomas, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 634-4236.

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Estuarine Sanctuaries)

Dated: October 19, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84-28193 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-08-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

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

Department of Agriculture

SN 6-288,261 (4,472,377)
Method and Composition for Luring Coyotes

SN 6-347,129 (4,471,570)
Recirculating Wiper for Agricultural Chemicals

SN 6-467,068 (4,471,531)
Method and Apparatus for Measuring Press Roll Clearance

SN 6-526,752 (4,472,167)
Mild-Cure Formaldehyde-Free Durable-Press Finishing of Cotton Textiles With Glyoxal and Glycols

SN 6-643,990
Method for Detecting Aflatoxin in Almonds

Department of Commerce

SN 6–636,769
Heat Pipe Oven Molecular Beam Source

Department of Health and Human Services

SN 6–414,904 (4,471,646)
Blood Pressure Cuff Calibration System
SN 6–602,520
Substantially Purified Tumor Growth Inhibitory Factor.

[FR Doc. 84–28183 Filed 10–24–84; 8:45 am]
BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of the Republic of Indonesia To Review Trade in Category 334

October 19, 1984.

On September 28, 1984 the Government of the United States requested consultations with the Government of the Republic of Indonesia with respect to men's and boy's other coats in Category 334. This request was made on the basis of the agreement, as amended, between the Governments of the United States and Republic of Indonesia relating to trade in Cotton, Wool and Man-Made Fiber Textitles and Textile Products of October 13 and November 9, 1982.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the governments, CITA, pursuant to the agreement, as amended, may establish a prorated specific limit of 15,400 dozen for the entry and withdrawal from warehouse for consumption of textile products in Category 334, produced or manufactured in Indonesia and exported to the United States during the period which began on September 28, 1984 and extends through the end of the agreement year, June 30, 1985. The limit may be adjusted to include prorated swing and carryforward.

The Government of the United States has decided, pending agreement on a mutually satisfactory solution, to control imports in this category during the 90–day consultation period (September 28–December 27, 1984) at a level of 5,940 dozen. In the event the limit established for the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the level established during the period which began on September 28, 1984 and extends through June 30, 1985.

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Anyone wishing to comment or provide data or information regarding the treatment of Category 334 under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Government of the Republic of Indonesia, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Effective Date: October 25, 1984.

Roland I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Indonesia—Market Statement

Category 334—Men's and Boys' Cotton Coats, Other

September 1984.

U.S. imports of Category 334 from Indonesia increased 155 percent during the year ending July 1984 to 21,934 dozen. The imports in July 1984 alone were equal to half the total amount of Category 334 imported from Indonesia in all of 1983. Imports during the first seven months of this year, at 14,123 dozen, exceed 1983 totals by 29 percent. This is a sharp and substantial increase in imports which, if continued, could create a real risk of market disruption.

Domestic production of Category 334 declined 26 percent from 903,000 dozen in 1981 to 670,000 dozen in 1983. Imports from all sources, on the other hand, increased 13 percent from 1,016,000 dozen to 1,152,000 dozen in 1983. The import to production ratio was 171.9 percent in the latter year compared with 112.5 percent in 1981. Imports have continued to increase dramatically in 1984, reaching 1,263,667 dozen during the year ending July 1984, 22 percent higher than during the previous twelve months.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 25, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 334, produced or manufactured in Indonesia and exported during the ninety-day period which began on September 28, 1984 and extends through December 27, 1984, in excess of 5,940 dozen.[1]

Textile products in Category 334 which have been exported to the United States prior to september 28, 1984 shall not be subject to this directive.

Textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

[1] The level has not been adjusted to reflect any imports exported after September 27, 1984.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-28145 Filed 10-24-84; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 84-2]

Memline Corp., et al.; Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of prehearing conference.

DATE: This notice announces a prehearing conference to be held in the matter of Memline Corporation, et al. on November 13, 1984 at 11:00 a.m.

ADDRESS: The prehearing conference will be in the Hearing Room, Fifth Floor, Office of Hearings and Appeals, Ballston Towers II, 801 North Randolph Street, Arlington, Virginia. For additional information contact: Sheldon D. Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6800.

Notice of Prehearing Conference

Please take notice that a prehearing conference in this proceeding will be held at 11:00 a.m., on November 13, 1984, in the Hearing Room, Fifth Floor, Office of Hearings and Appeals, Ballston Towers II, 801 North Randolph Street, Arlington, Virginia, for the purposes outlined in 16 CFR 1025.21(a). The Presiding Officer will be Administrative Law Judge Charles R. Boyer. The following issues will be discussed:

1. Petitions for leave to intervene;
2. Motions, including motions for consolidation of proceedings and for certification of class actions;
3. Identification, simplification and clarification of the issues;
4. Necessity or desirability of amending the pleadings;
5. Stipulations and admissions of fact and of the content and authenticity of documents;
6. Oppositions to notices of depositions;
7. Motions for protective orders to limit or modify discovery;
8. Issuance of subpoenas to compel the appearance of witnesses and the production of documents;
9. Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;
10. Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission substantive standards, regulations, and consumer product safety rules;
11. Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;
12. Consideration of offers of settlement;
13. Establishment of schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of a hearing, with due regard to the convenience of the parties; and
14. Such other matters as may aid in the efficient presentation or disposition of the proceedings.

Dated: October 19, 1984.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 84-28261 Filed 10-24-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent To Prepare Draft Environmental Impact Statement; Piaquemines Parish, LA

Notice of intent to Prepare a Draft Environmental Statement (DEIS) for a Section 404 and Section 10 permit to dredge barge and ship channels and a ship turning basin and place dredged material into open waters west of the mouth of the South Pass in Plaquemines Parish, LA

Agency: Army Corps of Engineers, DoD.

Action: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

Summary: 1. *Proposed Action.* This statement will analyze work proposed in a permit application submitted by Plaquemines Port, Harbor and Terminal District. This work will consist of construction of the South Pass Bulk Terminal. The deep-draft vessel facility will be located just west of the mouth of South Pass, Mississippi River and will consist of a 2,500-foot diameter, 60-foot deep, ship turning basin. A 500-foot wide by 2.5 mile long ship channel will be excavated from the turning basin southwest to the natural -60-foot contour of the Gulf of Mexico. Barge/tug access will be afforded via a 200-foot wide by 1.0 mile long by 12-foot deep channel stretching from the turning basin to South Pass at outlet 12.6.w. The South Pass Bulk Terminal will provide a protected location where river barges and deep-draft vessels can meet and a floating midstream operation can be used to transfer dry bulk commodities from the barges to the ships or vise versa. The proposed terminal will serve primarily as a topping-off facility for deep-draft vessels which have loaded to the maximum draft available on the lower Mississippi River or another Gulf Coast port.

The construction of the project will require the dredging of approximately 24 million cubic yards of material: 13 million cubic yards for the turning basin, 10 million cubic yards for the ship access channel, and 1 million cubic yards for the barge access channel. Approximately 17 million cubic yards of the dredged material will be replaced on nearly 1,240 acres of shallow bay waters around the facility. (Approximately 18 acres of marsh land will be destroyed by the dredging of the barge access channel at its entrance to South Pass.) The remaining 7 million cubic yards of dredged material will be pumped by pipeline to the edge of the -60-foot contour of the Gulf and discharged.

2. *Alternative.* In addition to the no action alternative the DEIS will address other areas of the Gulf within boundaries of Plaquemines Parish as well as other alternative means of accomplishing the project objectives, e.g., deepening the lower Mississippi River; offshore topping-off; wide beam shallow draft bulk carriers; ship lifting; and offshore loading structures.

3. *Scoping Process.* a. The project, as proposed by the applicant, has been discussed in meetings attended by representatives of Department of the Interior—U.S. Fish and Wildlife Service, Department of Commerce—National Marine Fisheries Service, Department of Defense—U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Louisiana Department of Natural

Resources—Coastal Management Division, and Louisiana Department of Wildlife and Fisheries. Additional meetings are expected to be held with representatives of local and national environmental groups and the general public.

b. Significant issues to be addressed in the DEIS include: the potential impacts of the project to fishery and wildlife resources resulting from construction, operation, and maintenance; relationship of the project to the proposed 55-foot channelization of the lower Mississippi River; effects of barge fleeting in South Pass on water traffic; impacts of spillage of coal and coal dust settlement on bottom sediments on the biota; and effects of hurricanes and storms on the project.

c. No formal assignments have as yet been planned for imput into the DEIS by other Federal and state agencies. Nonetheless, informal meetings will continue to be held and communications will be maintained throughout the EIS process with all concerned agencies.

d. Periodic reviews will be held with various Federal, state, and local agencies; they will be kept apprised of the progress.

4. *Scoping Meeting.* A public scoping meeting will be held at 1900 hours (7:00 p.m.) on Monday, October 15, 1984, at Belle Chasse High School, 215 North Belle Chasse Highway, Belle Chasse, Louisiana. The meeting will consist of an introduction and a description of the proposed project, EIS process, and scoping process; after which the attendees will be divided into workshop groups, allowing individuals more freedom to input their ideas and concerns. Comments made by individuals in the workshop groups will be recorded, compiled, and analyzed. A summary of the results will be available and forwarded to each registered participant upon request.

5. *Availability.* The DEIS is scheduled to be available to the public in June 1985.

Address: Questions concerning the proposed action and DEIS can be directed to Mr. Zain H. Terzi at (504) 838-2269 at the U.S. Army Corps of Engineers, Regulatory Functions Branch (LMNOD-S), Operations Division, P.O. Box 60267, New Orleans, Louisiana 70160-0267.

Eugene S. Witherspoon,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84-28219 Filed 10-24-84; 8:45 am]

BILLING CODE 3710 84-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER83-369-005]

Alabama Power Co.; Refund Compliance Report

October 22, 1984.

Take notice that on October 12, 1984, Alabama Power Company (Alabama) submitted for filing its refund report pursuant to the Commission's letter order dated September 17, 1984.

Alabama states that these refunds are the result of an uncontested Settlement Agreement filed by Alabama and its municipal customers on June 29, 1984. The compliance report shows the refund calculations for each delivery point (including interest).

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 6, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28244 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-33-000]

Alamito Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Alamito Company (Alamito) tendered for filing Amendment No. 1 to the Alamito-Tucson 12 year Power Sale Agreement. The amendment extends the time during which Tucson Electric Power Company, as purchaser, would continue to pay demand charges in the event a generating unit becomes inoperable due to physical damage.

Alamito requests that Amendment No. 1 become effective on November 1, 1984, the same date on which the Agreement will become effective. Alamito requests such waivers of the Commission's notice regulations as may be necessary to accommodate this request.

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. 84-28245 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-23-000]

Arkansas Power & Light Co.; Filing

October 22, 1984.

Take notice that on October 5, 1984, Arkansas Power and Light Company (AP&L) submitted filing six (6) copies each of three Notices of Cancellation as required by § 35.15 of the Commission's Regulations.

AP&L states that there are no certificates of concurrence being filed with the notices because the contracts were terminated by their own terms and no new contracts were filed to replace them.

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 8, 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. 84-28246 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-32-000]

Black Hills Power and Light Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Black Hills Power and Light Company (BHP) tendered for filing a proposed

Amendment to its Electric Power and Energy Supply Agreement (Agreement) with the City of Gillette, Wyoming, FERC Rate Schedule No. 27. The applicant states that the proposed change is to modify sections 5.1 and 5.2 of the Electric Power and Energy Supply Agreement.

BHP indicates that the proposed change is to reflect an increase in the WAPA Mt. Elbert capacity delivered to BHP on behalf of the City of Gillette, Wyoming.

BHP requests an effective date of October 3, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-28247 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-286-004]

Centel Corp.; Refund Compliance Report

October 22, 1984.

Take notice that on October 15, 1984, Centel Corporation (Centel) submitted for filing its refund report pursuant to the Commission's Rules of Practice and Procedure.

Centel states that on October 10, 1984 refunds of amounts collected in excess of the settlement rate level together with interest up to and including October 10, 1984 were made to the wholesale customers affiliated with the rate filing Docket No. ER84-286-000.

Centel further states that it has enclosed a compliance report showing monthly billing determinants, revenue receipt dates, and revenues under the prior, present and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period.

The above stated data, according to Centel has been furnished to the affected wholesale customers and to the Kansas State Corporation Commission.

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 November 6, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28248 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-35-000]

Central Illinois Public Service Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 10, 1984, Central Illinois Public Service Company (CIPS) tendered for filing Rate Schedule W-2 (Settlement) for wholesale electric service to municipalities for distribution and retail sale to their customers (Rate Schedule W-2 (Settlement)), amended Rate Schedule W-2 (Metropolis) for wholesale electric service to the City of Metropolis for distribution and retail sale to its customers (Rate Schedule W-2 (Metropolis)), and Rate Schedule W-3 (settlement) for wholesale partial requirements electric service to municipalities for distribution and retail sale to their customers (Rate Schedule W-3 (settlement)). CIPS also tendered for filing supply contracts, as amended, between CIPS and the City of Flora, the Village of Bethany, the City of Bushnell, the City of Cairo, the City of Carmi, the City of Casey, the Village of Greenup, the City of Marshall, the City of Metropolis, the City of Newton, the Village of Rantoul, and the City of Roodhouse, collectively referred to as the municipals.

The tendered rate schedules and amendments to supply contract, as amended, comprise an integral part of the comprehensive settlement agreed to by CIPS and the Municipals, which was reached after extrensive negotiations to resolve the controversies between the parties. Rate Schedule W-2 (Settlement) provides that it is available to the Village of Bethany, the City of Cairo, the City of Casey, the City of Flora, the Village of Greenup, the City of Marshall, the City of Newton, and the City of Roodhouse pursuant to the settlement between CIPS and the municipals. Rate Schedule W-2 (Metropolis) provides that it is available to the City of Metropolis pursuant to the settlement between CIPS and the municipals. Rate schedule W-3 (Settlement) provides that it is available to the City of Bushnell, the City of Armi, and the City of Rantoul pursuant to the same settlement. Each of the three tendered rate schedules continues the demand charges to each of the municipals at the present levels approved by the Commission in its various orders in Docket No. ER83-78-000, but provides that those charges will be discounted during the period from July 1, 1984 to July 1, 1987. The amendments to the supply contracts provide for a five-year contractual term beginning on July 1, 1984, without right of either party to terminate. The contracts will thereafter continue year to year, unless terminated by either party by giving eighteen months written notice in accordance with the terms of the contracts.

CIPS requests an effective date of July 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon each affected customer and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 84-28249 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-25-000]

El Paso Electric Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, El Paso Electric Company (El Paso) tendered for filing a notice of cancellation of FERC Rate Schedule No. 27 between El Paso and Southern California Edison Company (Edison).

El Paso requests an effective date of October 1, 1984.

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. 84-28250 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER-9-000]

Florida Power & Light Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 2, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled "Amendment Number One to Contact for Interchange service between FP&L and Seminole Electric Cooperative, Inc. (SECI)".

FP&L states that under Amendment FP&L and SECI utilize the provisions of the existing Contract for Interchange Service between FP&L and SECI for the parties to establish additional service schedules. FP&L states that the additional Service Schedule X provides the parties with the necessary vehicle to better maximize the overall economy of power production in the State of Florida.

FP&L requests an effective date of October 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Seminole Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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 avialable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28251 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-26-000]

Florida Power & Light Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 9, 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 City of Gainesville, Florida (Rate Schedule FERC No. 62).

FP&L states that under Amendment Number Five, FP&L will transmit power and energy for City of Gainesville as is required in the implementation of its interchange agreement with City of Starke, Florida.

FP&L request waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-28252 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-31-000]

Iowa Power and Light Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 9, 1984, Iowa Power and Light Company (Iowa Power) tendered for filing a Rate Schedule (Schedule), between Iowa Power and Iowa Southern Utilities Company (ISU), dated September 6, 1984.

Iowa Power states that the schedule provides for a one week extension of scheduled energy availability from September 1, 1984 through September 7, 1984 under a previously filed rate schedule providing for the sale of firm power and energy from Iowa Power to ISU between May 1, 1984 and October 31, 1984 wherein energy could be scheduled only in July and August, 1984.

Iowa Power requests an effective date of September 1, 1984 and therefore requests waiver of the Commission's notice requirements.

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 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. 84-28253 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-38-000]

Kentucky Utilities Co., Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 10, 1984, Kentucky Utilities Company (KU) tendered for filing a letter agreement between KU and East Kentucky Power Cooperative (East Ky.), which provides for an interconnection point between the two parties systems. An Agreement between the parties dated January 13,

1970, which is on file with the Commission (KU Rate Schedule FPC No. 96), provides for additional delivery points to be established as needs arise.

KU requests the effective date of June 18, 1984, for said letter agreement in which KU's Somerset-Jamestown 69 KV line section will tap East Ky.'s Somerset-Nancy 69 KV line section.

KU states that copies of the filing have been sent to East Ky. and the Public Service Commission of Kentucky.

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 proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28254 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-307-001]

Missouri Public Service Co.; Refund Report

October 22, 1984.

Take notice that on October 1, 1984, Missouri Public Service Company (MPS) submitted for filing its refund report pursuant to Commission's letter order dated August 22, 1984.

MPS states, that it enclosed copies of the Company's working papers showing the derivation of the billing in excess of settlement rates, the interest computations, and copies of the refund checks delivered to the respective wholesale customers. The working papers are as follows:

(1) A summary by location showing the monthly billing determinants; revenue under prior, present, and settlement rate levels; and monthly refunds due excluding interest.

(2) A copy of monthly interest computations by location and revenue receipt dates.

(3) Derivation of average prime rate used in computing interest and copies of the Federal Reserve's selected interest rates showing the prime rate for the appropriate months.

(4) Copies of refund checks issued September 20, 1984 including interest on billing paid by the respective wholesale customers.

(5) Derivation of the May, 1984 prorated rate steps for billing seven of the eight locations on present rates. (Meters read May 18, 1984; rate effective May 3, 1984.) This schedule also shows the derivation of the May, 1984 prorated rate steps for billing to the city of Harrisonville on present rates. (Meter read May 31, 1984; rate effective May 3, 1984.)

(6) Derivation of the May, 1984 prorated fuel adjustment rate per KWH.

(7) Summary of 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.W., Washington, D.C. 20426, on or before November 5, 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. 84-28255 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-11-000]

Natural Gas Pipeline Company of America; Application

October 18, 1984.

Take notice that on October 5, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-11-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the firm exchange of up to 75 billion Btu equivalent of natural gas per day with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), with the gas to be received in Gage County, Nebraska, and redelivered to Tennessee in Plaquemines Parish, Louisiana, (2) the transportation of any imbalance exchange gas volumes from Gage County, Nebraska, to Tennessee's facilities in Wharton County, Texas; (3) transportation or exchange on a best-efforts basis of gas supplies in excess of 75 billion Btu per day and (4) blanket authorization to add or delete delivery points to Tennessee, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its application is intended to be competitive with, and an alternative to, the applications filed by Northern Natural Gas Company, Division of InterNorth, Inc., in Docket No. CP84-514-000, by ANR Pipeline Company in Docket No. CP84-572-000, by Midwestern Gas Transmission Company in Docket No. CP84-480-000, and by Tennessee in Docket No. CP84-564-000. These applications, which are pending before the Commission, relate to the transportation or exchange of up to 75,000 Mcf of gas per day on a firm basis on behalf of Tennessee from Gage County, Nebraska, to Tennessee's system.

Applicant submits that the granting of its certificate authorization would obviate the need for the certificates requested in Docket Nos. CP84-514-000, CP84-572-000, CP84-480-000, and CP84-564-000.

Applicant proposes to receive up to 75 billion Btu equivalent of natural gas per day on behalf of Tennessee at the interconnection between the facilities of Trailblazer Pipeline Company and Applicant in Gage County, Nebraska. In exchange, Applicant would deliver equivalent volumes to Tennessee on a firm basis in Plaquemines Parish, Louisiana. Applicant states that in the event of an imbalance in the exchange it would deliver additional volumes to Tennessee in South Marsh Island Block 235, offshore Louisiana, or that Tennessee would deliver additional volumes to Applicant in Mills County, Iowa. Applicant proposes to exchange volumes in excess of 75 billion Btu per day on a best-efforts basis.

Applicant further requests authorization to eliminate imbalances in the proposed exchange with Tennessee that have not been corrected by transporting and delivering gas to Tennessee in Wharton County, Texas. Applicant proposes an initial rate of 23.2 cents per million Btu for this transportation service. According to Applicant, any remaining imbalance on Tennessee's part would be transported by Tennessee and delivered to Applicant in Cameron Parish, Louisiana.

Finally, Applicant requests authorization to add and delete delivery points to Tennessee. Applicant proposes to submit annually an exhibit detailing any such additions or deletions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the

Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28256 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-541-002]

Oklahoma Gas and Electric Co.; Compliance filing

October 22, 1984.

Take notice that on October 10, 1984, Oklahoma Gas and Electric Company (OG&E) submitted for filing its compliance report pursuant to the Commission's order issued September 10, 1984.

OG&E submitted copies of the following materials:

(1) Revised Cost of Service sheets;

(2) Revised Statement AP, reflecting a revised calculation of interest expense in the income tax calculation;

(3) Revised Rate Schedule WM-1 (Phase 2), Rate Schedule WM-2 (Phase 2) and Rate Schedule WC-1 (Phase 2); and

(4) Revised Phase 2 rates for service to Western Farmers Electric Cooperative and Southwestern Power Administration.

OG&E states that phase 1 rates for Rate Schedule WC-1 are not being refiled since the revenues produced by the Phase 1 rates filed herein on July 12, 1984, are less than the revised cost-of-service submitted herewith.

Finally, OG&E assumes that the reference to an effective date of September 12, 1984, on Item (10) in the Attachment to the Commission's Order issued September 10, 1984, should properly be February 11, 1985, so as to be consistent with the date stated in Paragraph (E) on Page 5 of that order.

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 November 8, 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. 84-28257 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-34-000]

PacifiCorp, d.b.a. Pacific Power & Light Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 10, 1984, PacifiCorp, doing business as Pacific Power & Light Company (Pacific), tendered for filing Pacific's Revised Appendix 1 for the state of Oregon. The Revised Appendix 1 calculates an average system cost for the state of Oregon applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of April 26, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were supplied to Bonneville, the Public Utility Commissioner of Oregon, and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 84-28258 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-36-000]

Rumford Falls Power Co.; Filing

October 22, 1984.

The filing Company submits the following:

Take notice that on October 5, 1984, that Rumford Falls Power Company (Rumford Falls) tendered for filing a notice of cancellation of Rate Schedule FPC No. 1. Rumford requests an effective date of May 7, 1984.

Notice of the proposed cancellation has been served upon Central Maine 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 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. 84-28240 Filed 10-24-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-150-014]

Southern California Edison Co.; Supplemental Refund Report

October 22, 1984.

Take notice that on September 28, 1984, Southern California Edison Company (Edison) submitted for filing a supplement to its report of refunds made in accordance with compliance filing approved by Commission's letter order of July 20, 1984.

Edison states that using time-of-use billing determinants (TOU–R rate and TOU–R billing demands) increases Vernon's refund by $630,311.41 made up of $322,340.00 of reduced billing and $307,971.41 of interest calculated to September 28, 1984. This increases Vernon's total refund in the Docket from $5,375,846.75 to $6,006,158.10. Included in this report as Appendix B is the recalculation of Vernon's refund for the first four and one-half months of the locked-in period and a copy of the letter from the company to the City of Vernon.

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 November 5, 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. 84–28241 Filed 10–24–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. EF84–2011–001, EF84–2011–006, and EF84–2021–000]

United States Department of Energy, Bonneville Power Administration; Supplementary Filing

October 22, 1984.

Take notice that on September 14, 1984, the United States Department of Energy, Bonneville Power Administration (BPA), submitted what is characterized as a clarification of criteria in its NF–83 Rate Schedule that govern when the spill rate for energy under the NF–83 Rate Schedule would be available.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 16, 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. 84–28242 Filed 10–24–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–39–000]

Upper Peninsula Power Co.; Cancellation

October 22, 1984.

The filing Company submits the following:

Take notice that on October 12, 1984, Upper Peninsula Power Company (Upper Peninsula) tendered for filing a notice of cancellation of Rate Schedule FPC No. 18 between Upper Peninsula and Cliffs Electric Service Company.

Upper Peninsula requests an effective date of July 31, 1979.

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 5, 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. 84–28243 Filed 10–24–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST84–1087–000 et al.]

Colorado Interstate Gas Co., et al.; Notice of Self-Implementing Transactions

October 19, 1984.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F(157)" indicates an assignment by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR § 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (cents per MMBtu)
ST84-1087	Colorado Interstate Gas Co	NGL Production Co.	8-01-84	F(157)		
ST84-1088	Columbia Gas Transmission Corp	Fostoria Glass Co	8-01-84	F(157)		
ST84-1089	Columbia Gas Transmission Corp	International Business Mach. Corp	8-01-84	F(157)		
ST84-1090	Columbia Gas Transmission Corp	A. E. Staley Manufacturing Co	8-01-84	F(157)		
ST84-1091	Columbia Gas Transmission Corp	Fostoria Glass Co	8-01-84	F(157)		
ST84-1092	Colorado Interstate Gas Co	NGL Production Co	8-01-84	F(157)		
ST84-1093	Transcontinental Gas Pipe Line Corp	City of Fayetteville	8-02-84	F(157)		
ST84-1094	Transcontinental Gas Pipe Line Corp	Eastern Shore Natural Gas Co	8-02-84	G		
ST84-1095	Transcontinental Gas Pipe Line Corp	South Jersey Gas Co	8-02-84	B		
ST84-1096	Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co	8-02-84	B		
ST84-1097	Houston Pipe Line Co	Natural Gas Pipeline Co. of America	8-02-84	C		
ST84-1099	Faustina Pipe Line Co	Transcontinental Gas Pipe Line Corp	8-01-84	G(HT)	12-29-84	11.55
ST84-1100	ANR Pipeline Co	Rock-Tenn, Inc	8-06-84	F(157)		
ST84-1101	ANR Pipeline Co	Ralston Purina Co	8-06-84	F(157)		
ST84-1102	Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	8-06-84	D		
ST84-1103	Alabama Gas Corp	United Gas Pipe Line Co	8-06-84	C		
ST84-1104	Exxon Gas System, Inc	Northern Natural Gas Co	8-06-84	C	1-03-84	18.00
ST84-1105	ANR Pipeline Co	A. E. Staley Manufacturing, Inc	8-06-84	F(157)		
ST84-1106	ANR Pipeline Co	Kerr Glass Manufacturing Corp	8-06-84	F(157)		
ST84-1107	ANR Pipeline Co	General Foods, Inc	8-06-84	F(157)		
ST84-1108	ANR Pipeline Co	Chevrolet Motor	8-06-84	F(157)		
ST84-1109	ANR Pipeline Co	Emge Packing Co	8-06-84	F(157)		
ST84-1110	ANR Pipeline Co	Gen-Corp	8-06-84	F(157)		
ST84-1111	ANR Pipeline Co	Frito-Lay, Inc	8-06-84	F(157)		
ST84-1112	ANR Pipeline Co	Foster Forbes, Inc	8-06-84	F(157)		
ST84-1113	ANR Pipeline Co	Sheller Globe, Inc	8-06-84	F(157)		
ST84-1114	ANR Pipeline Co	Alton Box Co	8-06-84	F(157)		
ST84-1115	ANR Pipeline Co	Fostoria Glass Co	8-06-84	F(157)		
ST84-1116	ANR Pipeline Co	St. Joe Container Corp	8-06-84	F(157)		
ST84-1117	ANR Pipeline Co	Chrysler Corp	8-06-84	F(157)		
ST84-1118	ANR Pipeline Co	Warner Gear	8-06-84	F(157)		
ST84-1119	Tennessee Gas Pipeline Co	Phillips Petroleum Co	8-06-84	F(157)		
ST84-1120	Columbia Gas Transmission Corp	Genstar Stone Products	8-06-84	F(157)		
ST84-1121	Columbia Gas Transmission Corp	Baltimore Gas and Electric Co	8-08-84	B		
ST84-1122	Columbia Gas Transmission Corp	UGI Corp	8-08-84	B		
ST84-1123	Transcontinental Gas Pipe Line Corp	Commonwealth Gas Pipeline Co	8-30-84	B		
ST84-1124	Texas Eastern Transmission Corp	Tennessee Gas Pipeline Co	8-08-84	G		
ST84-1125	El Paso Natural Gas Co	El Paso Hydrocarbons Co	8-10-84	B		
ST84-1126	El Paso Natural Gas Co	Valero Transmission Co	8-10-84	B		
ST84-1127	Transcontinental Gas Pipe Line Corp	Laurel Feul Co	8-22-84	B		
ST84-1128	United Gas Pipe Line Corp	Louisiana State Gas Corp	8-09-84	B		
ST84-1129	Transcontinental Gas Pipe Line Corp	Jersey Central Power and Light Co	8-21-84	F(157)		
ST84-1130	Louisiana Resources Co	Transcontinental Gas Pipe Line Corp	8-10-84	C	1-07-85	6.72
ST84-1131	Trunkline Gas Co	Intrastate Gathering Corp	8-13-84	B		
ST84-1132	Panhandle Eastern Pipe Line Co	Western Gas Supply Co	8-13-84	B		
ST84-1133	Tennessee Gas Pipeline Co	Baltimore Gas and Electric Co	8-13-84	B		
ST84-1134	Tennessee Gas Pipeline Co	Laurel Fuel Co	8-13-84	B		
ST84-1135	Tennessee Gas Pipeline Co	Channel Industries Gas Co	8-13-84	B		
ST84-1136	Transcontinental Gas Pipe Line Corp	Tennessee Gas Pipeline Co	8-13-84	G		
ST84-1137	Cranberry Pipeline Corp	Columbia Gas Transmission Corp	8-15-84	C	1-12-85	80.62
ST84-1138	Producer's Gas Co	Natural Gas Pipeline Co. of America	8-15-84	D		
ST84-1139	Tennessee Gas Pipeline Co	Northwest Pipeline Corp	8-15-84	G		
ST84-1140	Northern Natural Gas Co	El Paso Natural Gas Co	8-15-84	G		
ST84-1141	Tennessee Gas Pipeline Co	Channel Industries Gas Co	8-14-84	B		
ST84-1142	Panhandle Eastern Pipe Line Co	Sherex Chemical Co., Inc	8-14-84	F(157)		
ST84-1143	Tennessee Gas Pipeline Co	New York State Electric and Gas Co	8-16-84	B		
ST84-1144	Trunkline Gas Co	Intrastate Gathering Corp	8-15-84	B		
ST84-1145	Panhandle Eastern Pipe Line Co	Pabst Brewing Co	8-15-84	F(157)		
ST84-1146	Panhandle Eastern Pipe Line Co	Caterpillar Tractor Co	8-15-84	F(157)		
ST84-1147	Velley Gas Transmission, Inc	Gulf South Pipeline Co	8-16-84	B		
ST84-1148	Consolidated Gas Transmission Corp	Gas Transport, Inc	8-16-84	B		
ST84-1149	Texas Eastern Transmission Corp	Natural Gas Pipeline Co. of America	8-16-84	G		
ST84-1150	Panhandle Eastern Pipe Line Co	Alsey Refractories Co	8-23-84	F(157)		
ST84-1151	Trunkline Gas Co	Transcontinental Gas Pipe Line Corp	8-23-84	G		
ST84-1152	Gas Gathering Corp	Transcontinental Gas Pipe Line Corp	8-16-84	G		
ST84-1153	Honeoye Storage Corp	New York State Electric and Gas Co	8-16-84	B		
ST84-1154	ANR Pipeline Co	Transcontinental Gas Pipe Line Corp	8-17-84	G		
ST84-1155	ANR Pipeline Co	Citizens Gas and Coke Utility	8-17-84	B		
ST84-1156	ANR Pipeline Co	Ill. Power Co	8-17-84	B		
ST84-1157	ANR Pipeline Co	Pontchartrain Natural Gas System	8-17-84	B		
ST84-1158	El Paso Natural Gas Co	Northern Natural Gas Co	8-17-84	G		
ST84-1159	Trunkline Gas Co	Mississippi River Transmission Corp	8-17-84	G		
ST84-1160	Panhandle Eastern Pipe Line Co	Borden, Inc	8-20-84	F(157)		
ST84-1161	Tennessee Gas Pipeline Co	Washington Gas Light Co	8-20-84	B		
ST84-1162	Texas Eastern Transmission Corp	Tennessee Gas Pipeline Co	8-15-84	G		
ST84-1163	Panhandle Eastern Pipe Line Co	Northern Indiana Public Service Co	8-21-84	B		
ST84-1164	Northern Natural Gas Co	Westar Transmission Co	8-21-84	B		
ST84-1165	Panhandle Eastern Pipe Line Co	General Motors Corp	8-23-84	F(157)		
ST84-1166	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of NY, Inc	8-17-84	B		
ST84-1167	ANR Pipeline Co	Coronado Transmission Corp	8-22-84	B		
ST84-1168	ANR Pipeline Co	Faustina Pipe Line Co	8-22-84	B		
ST84-1169	Midwestern Gas Transmission Co	Transcontinental Gas Pipe Line Corp	8-22-84	G		
ST84-1170	Midwestern Gas Transmission Co	Tennessee Gas Pipeline Co	8-22-84	G		
ST84-1171	El Paso Natural Gas Co	Navajo Tribal Utility Authority	8-23-84	B		
ST84-1172	Texas Gas Transmission Corp	IMC Pipeline Co., Inc	8-23-84	B		
ST84-1173	Algonquin Gas Transmission Co	Bay State Gas Co	8-23-84	B		
ST84-1174	Natural Gas Pipeline Co. of America	Entex, Inc	8-23-84	B		
ST84-1175	Northern Natural Gas Co	Mapco Fractionator, Inc	8-27-84	B		
ST84-1176	Kentucky West Virginia Gas Co	Berea Gathering Co	8-27-84	B		
ST84-1177	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of NY, Inc	8-27-84	B		
ST84-1178	Trunkline Gas Co	Columbia Gas Transmission Corp	8-27-84	G		
ST84-1179	Panhandle Eastern Pipe Line Co	Kokomo Gas and Fuel Co	8-31-84	F(157)		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (cents per MMBtu)
ST84-1180	ANR Pipeline Co	Center Plains Industries, Inc	8-24-84	F(157)		
ST84-1181	Northwest Central Pipeline Corp	Northern Gas Marketing, Inc	8-24-84	B		
ST84-1182	Transcontinental Gas Pipe Line Corp	Owens-Corning Fiberglass Corp	8-24-84	F(157)		
ST84-1183	Panhandle Eastern Pipe Line Co	The University of Ill., at Urbana-Champaign, Ill.	8-24-84	F(157)		
ST84-1184	Houston Pipe Line Co	Texas Eastern Transmission Corp	8-24-84	C		
ST84-1185	Panhandle Eastern Pipe Line Co	Keystone Steel and Wire Co	8-24-84	F(157)		
ST84-1186	Northern Natural Gas Co	Bridgeline Gas Distribution Co	8-27-84	B		
ST84-1187	Panhandle Eastern Pipe Line Co	Kraft, Inc	8-24-84	F(157)		
ST84-1188	Transcontinental Gas Pipe Line Corp	El Paso Natural Gas Co	8-24-84	G		
ST84-1189	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of NY, Inc	8-24-84	B		
ST84-1190	Columbia Gas Transmission Corp	Bethlehem Mines Corp	8-24-84	F(157)		
ST84-1191	Columbia Gas Transmission Corp	Calgon Carbon Corp	8-24-84	F(157)		
ST84-1192	Columbia Gas Transmission Corp	Northwood Stone and Asphalt Co	8-24-84	F(157)		
ST84-1193	Columbia Gas Transmission Corp	Reading Industries	8-24-84	F(157)		
ST84-1194	Columbia Gas Transmission Corp	Union Camp Corp	8-24-84	F(157)		
ST84-1195	Columbia Gas Transmission Corp	Victor F., Weaver, Inc	8-24-84	F(157)		
ST84-1196	Columbia Gas Transmission Corp	Columbia Gas KY, Inc	8-24-84	B		
ST84-1197	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	8-31-84	G		
ST84-1198	Northern Natural Gas Co	Peoples Natural Gas Co	8-29-84	B		
ST84-1199	Colorado Interstate Gas Co	Sinclair Oil Corp	8-28-84	F(157)		
ST84-1201	ANR Pipeline Co	Bridgeline Gas Distribution Co	8-28-84	B		
ST84-1203	ANR Pipeline Co	Endevco Pipeline Co	8-28-84	B		
ST84-1204	Northern Utilities, Inc	K N Energy, Inc	8-30-84	E		
ST84-1205	Columbia Gulf Transmission Co	Natural Gas Pipeline Co. of America	8-30-84	G		
ST84-1206	Transcontinental Gas Pipe Line Corp	Commonwealth Gas Pipeline Corp	8-30-84	B		
ST84-1207	Northern Natural Gas Co	Texas Eastern Transmission Co	8-31-84	G		
ST84-1208	Natural Gas Pipeline Co. of America	Ill. Power Co	8-31-84	B		
ST84-1209	Transcontinental Gas Pipe Line Corp	Carolina Pipeline Co	8-31-84	B		
ST84-1210	Oklahoma Natural Gas Co	Natural Gas Pipeline Co. of America	8-31-84	C	1-28-85	10.00
ST84-1211	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	8-31-84	G		
ST84-1212	Ozark Gas Transmission System	Delhi Gas Pipeline Corp	8-31-84	B		
ST84-1213	Transcontinental Gas Pipeline Corp	Commonwealth Gas Pipeline Corp	8-30-84	B		
ST84-1215	Panhandle Eastern Pipe Line Co	Sohio Chemical Co	8-31-84	F(157)		
ST84-1216	Michigan Consolidated Gas Co	North Central Public Service Co	8-31-84	G(HT)		
ST84-1217	United Gas Pipe Line Co	Okaloosa County Gas District	8-31-84	B		
ST84-1218	United Texas Transmission Co	Texas Industrial Energy Co	8-31-84	C		
ST84-1219	Michigan Consolidated Gas Co.—Interstate Storage Division	Michigan Consolidated Gas Co.—Utility Division.	8-31-84	B		
ST84-1220	United Texas Transmission Co	United Gas Pipe Line Co	8-31-84	C		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to §284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 84-28093 Filed 10-24-84; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/37A; FRL-2689-7]

Dicofol; Proposed Notice of Intent To Cancel Registration of Pesticide Products Containing Dicofol; Notice of Intent To Deny Registration of Dicofol Products; Availability of Position Document 2/3

Correction

In FR Doc. 84-26714 beginning on page 39820 in the issue of Wednesday, October 10, 1984, make the following corrections:

1. On page 39821, second column, second complete paragraph, second line from the bottom, "poise" should have read "pose".

2. On page 39826, first column, in the second complete paragraph, fifth line, "of" should have read "to".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Approved by OMB

October 19, 1984.

The following information collection requirements have been approved by the Office of Management and Budget. For further information contact Doris Peacock, Agency Clearance Officer, (202) 632-7513.

OMB No.: 3060-0010
Title: Ownership Report
Form No.: FCC 323

A revised Ownership Report has been approved for use through 9/30/87. The June 1983 edition with an OMB expiration date of 4/30/86 will remain in use until revised forms are available. At that time, a Public Notice will be issued containing information on availability and effective dates.

OMB No.: 3060-0128
Title: Application for Radio Station Authorization in the Private Radio Services
Form No.: FCC 574
OMB No.: 3060-0129
Title: Supplemental Information for Trunked and Conventional Systems (806-821 MHz and 851-866 MHz Bands)
Form No.: FCC 574-A
OMB No.: 3060-0130
Title: Private Fixed, Mobile and Radiolocation Services Supplementary Inforamtion
Form No.: FCC 574-B

The approval on these forms has been extended through 9/30/87. The October 1982 edition bearing the previous expiration date of 9/30/84 will remain in use until updated forms are available.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 84-28135 Filed 10-24-84; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Barnett Banks of Florida, Inc., 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 Reseve Bank indicated or the offices of the Board of Governors not later than November 14, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida; to engage *de novo* through its subsidiary, Barnett Banks Insurance, Inc., Jacksonville, Florida, in credit, life, accident and health insurance underwriting activities directly related to an extension of credit by the bank holding company system, in the State of Florida.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mid-American Bancorp*, Louisville, Kentucky; through its wholly-owned subsidiary, Mid-America Investment Advisors, Inc., Louisville, Kentucky, to engage *de novo* in acting as an investment or financial advisor to the extent of providing portfolio investment advice concerning the investment of funds in securities to individuals, banks, corporations, trusts or any other form of entity authorized by Regulation Y; serving as an investment adviser to investment companies registered under the Investment Company Act of 1940, including sponsoring, organizing, and managing a closed-end investment company; and furnishing general economic information and advice, general statistical forecasting services and industry studies.

Board of Governors of the Federal Reserve System, October 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28173 Filed 10-24-84; 8:45 am]

BILLING CODE 6210-01-M

BSB Bancorp, 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 (CFR 225.14) to become a bank holding company or to acquie 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 16, 1984.

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

1. *BSB Bancorp*, Batesville, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of Batesville State Bank, Batesville, Indiana. Comments on this application must be received not later than November 8, 1984.

2. *Brunsville Bancorporation, Inc.*, Brunsville, Iowa; to become a bank holding company by acquiring 71.2 percent of the voting shares of First State Bank, Brunsville, Iowa.

3. *LeMars Bancorporation, Inc.*, Le Mars, Iowa; to become a bank holding company by acquiring 45.25 percent of the voting shares of Le Mars Savings Bank, Le Mars, Iowa.

4. *Merill Bancorporation, Inc.*, Merrill, Iowa; to become a bank holding company by acquiring 58.9 percent of the voting shares of Farmers State Bank, Merrill, Iowa.

5. *United Iowa Banchares, Inc.*, Mason City, Iowa; to axquire 80 percent or more of the voting shares of North Iowa State Bank, Belmond, Iowa.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Raymond Bancorp, Inc.*, Raymond, Illinois; to become a bank holding company by acquiring 100 percent of the voting share of The First National Bank of Raymond, Raymond, Illinois.

2. *Scott County Bancorp, Inc.*, Winchester, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First State Bank of Winchester, Winchester, Illinois.

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

1. *Azle Bancshares, Inc.*, Azle, Texas; to become a bank holding company by acquiring 94 percent of the voting shares of First National Bank of Azle, Azle, Texas.

Board of Governors of the Federal Reserve System, October 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28174 Filed 10-24-84; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers-Detroit International Corp.; Corporation To Do Business Under Section 25 (a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the renewal of the corporate charter of a corporation doing business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), known as Manufacturers-Detroit International Corp., Detroit, Michigan. Manufacturers-Detroit International Corp. operates as a subsidiary of Manufacturers National Bank of Detroit, Detroit, Michigan. The factors that are to be considered in acting on the application are set forth in

§ 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 16, 1984.

Board of Governors of the Federal Reserve System, October 19, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28175 Filed 10-24-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0314]

Reexamination of the GRAS Status of Sulfiting Agents; Availability of Tentative Report and Opportunity for Public Comments

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the tentative report of the ad hoc Review Panel on the Reexamination of the GRAS Status of Sulfiting Agents (the ad hoc Review Panel) is publicly available. The ad hoc Review Panel was formed by the Federation of American Societies for Experimental Biology (FASEB), Life Sciences Research Office. Copies of the tentative report are on display at the Life Sciences Research Office, FASEB, and at FDA's Dockets Management Branch. FDA and FASEB are inviting oral and written comments on the tentative report.

DATES: The tentative report was publicly available on October 15, 1984. An open meeting of the ad hoc Review Panel is scheduled for Thursday, November 29, 1984, 9 a.m., at the Bethesda Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD.

Requests to make oral presentations at the open meeting must be made in writing, be postmarked before November 23, 1984, and be received by November 26, 1984. Written comments on the tentative report must be postmarked before November 23, 1984, and be received by November 29, 1984.

ADDRESSES: Written requests to make oral presentations at the open meeting should be sent to Sue Ann Anderson, Life Sciences Research Office, FASEB, 9650 Rockville Pike, Bethesda, MD 20814, and to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Written comments on the tentative report should be sent to Sue Ann Anderson, Life Sciences Research Office, FASEB, and to the Dockets Management Branch (addresses above).

FOR FURTHER INFORMATION CONTACT: Sue Ann Anderson, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301-530-7030.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 9, 1984 (49 FR 27994), FDA announced that FASEB had formed the ad hoc Review Panel to reexamine all relevant scientific data that bear on the human effects of sulfiting agents. FDA is announcing that the tentative report of the ad hoc Review Panel is now available. Copies of the tentative report are on display at the Life Sciences Research Office, FASEB, and at FDA's Dockets Management Branch.

In its tentative report, the ad hoc Review Panel has considered the levels of exposure to sulfiting agents and the health effects of the use of these ingredients to decide whether those uses are generally recognized as safe (GRAS).

The sulfiting agents (also known as sulfites) include potassium metabisulfite, sodium bisulfite, sodium metabisulfite, potassium bisulfite, sodium sulfite, and sulfur dioxide.

In 1976, the Select Committee on GRAS Substances (the Select Committee), which was formed by FASEB, evaluated the GRAS status of the sulfiting agents in a report (PB-265-508), which is available from the National Technical Information Service, 5275 Port Royal Rd., Springfield, VA 22161. Based in part on that report, in 1982 FDA proposed to affirm that the use of sulfiting agents in food is GRAS (47 FR 29956; July 9, 1982). However, a large quantity of data and information on new and wider uses of sulfiting agents in food and reports of health effects possibly associated with the consumption of sulfiting agents have become available since the Select Committee completed its review. In its tentative report, the ad hoc Review Panel considers the significance of this new information.

Public comment on the tentative report is invited at an open meeting of the ad hoc Review Panel scheduled for November 29, 1984, 9 a.m., at the Bethesda Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD. Interested persons are invited to provide data and information on uses of sulfiting agents, exposure to these substances, and health effects of sulfiting agents, as well as to give their views at this meeting on the safety of the use of these substances. Written requests to make oral presentations at the open meeting should be sent to the addresses above, must be postmarked before November 23, 1984, and must be received by November 26, 1984. In addition, interested persons may submit written comments on the tentative report. These comments should also be sent to the addresses above and must be postmarked before November 23, 1984.

Dated: October 18, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28128 Filed 10-22-84; 10:14 am]

BILLING CODE 4160-01-M

Workshop on Vaccinia Viruses as Vectors for Vaccine Antigens; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing a workshop on Vaccinia Viruses as Vectors for Vaccine Antigens. The workshop is being sponsored by the U.S. Public Health Service, the World Health Organization, and the National Institute for Biological Standards and Control.

DATE: The workshop will be held on November 13 and 14, 1984, from 8:30 a.m. to 5 p.m.

ADDRESS: Holiday Inn Palladian Room, 5520 Wisconsin Ave., Chevy Chase, MD.

FOR FURTHER INFORMATION CONTACT: Gerald V. Quinnan, Jr., Center for Drugs and Biologics (HFN-840), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-496-3144.

SUPPLEMENTARY INFORMATION: Topics to be discussed at the workshop include Biology and Epidemiology of Orthopox Viruses, Vaccinia Virus Vaccines; Molecular Biology of Vaccinia Virus; Modified Vaccinia Viruses as Vaccines; Veterinary Vaccines; Other Viruses as Vectors for Vaccine Antigens, and Considerations of Safety, Efficacy, and Potential Applications of Vaccinia Vectors for Immunoprophylaxis.

Dated: October 19, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28127 Filed 10-22-84; 10:14 am]

BILLING CODE 4160-01-M

Anti-Infective Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Anti-Infective Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on October 7, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: October 18, 1984

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28132 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83P-0166]

Canned Tuna in Water Deviating From Identity Standard; Modification of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the expiration date of a temporary permit to market test canned tuna in water seasoned with vegetable oil is being changed. This modification will allow the permit holder to continue experimental market testing of the product. A petition to amend the standard of identity for canned tuna has been submitted to FDA.

DATES: The new expiration date of the permit will be either the effective date of a final rule for any proposal to amend the standard of identity for canned tuna which may result from the petition, or 30 days after termination of such proposal.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to Ralston Purina Co., St. Louis, MO 63164, to market test canned tuna in water seasoned with vegetable oil and containing xanthan gum as an emulsifier and suspending agent in interstate commerce. The permit was issued in order to facilitate market testing of foods that deviate from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to Ralston Purina Co. was published in the **Federal Register** of June 7, 1983 (48 FR 26361). The expiration date of the permit would have been July 20, 1984.

The temporary permit allows limited interstate market testing of canned tuna in water that deviates from the standard of identity for canned tuna (21 CFR 161.190). The temporary permit provides for the use of vegetable oil as seasoning and xanthan gum as an emulsifier and suspending agent. The details of the terms and conditions under which the market testing will be conducted were discussed in the **Federal Register** notice of issuance of the permit.

Ralston Purina Co. requested that the temporary permit be extended so that the market test period can continue while agency action on a petition to amend the canned tuna standard proceeds. Ralston Purina Co. submitted the petition at the same time the application for extension was submitted.

The application for extension of the permit was not submitted in a timely manner, so it cannot be granted under 21 CFR 130.17(i). However, FDA concludes that, for the reasons stated by Ralston Purina, it will be in the best interests of consumers to extend the expiration date under 21 CFR 130.17(f). In addition, FDA is inviting interested persons to participate in the market test under the conditions that apply to Ralston Purina Co., including the labeling requirements and the amounts of test product to be distributed, except that the designated area of distribution shall not apply.

Any interested person who wishes to participate in the market test must notify the Deputy Director, Division of Food Technology (HFF-210) in writing. The notification must include the amount of test product to be distributed, the area of distribution, and labeling that will be used for the test product.

Therefore, under the provisions of § 130.17(f), FDA is modifying the terms and conditions of the permit such that the permit expires either on the effective date of a final rule for any proposal to amend the standard of identity for canned tuna which may result from the petition, or 30 days after termination of such proposal. All other conditions and terms of this permit remain the same.

Dated: October 17, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-28131 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-01-M

Dermatologic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Dermatologic Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on October 7, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: October 18, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28133 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84F-0331]

J.E. Siebel Sons' Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that J.E. Siebel Sons' Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of white mineral oil as a component of defoaming agents for use in the brewing of beer.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4A3817) has been filed by J.E. Siebel Sons' Co., 4055 West Peterson Ave., Chicago, IL 60646, proposing that § 173.340 *Defoaming agents* (21 CFR 173.340) be amended to provide for the safe use of white mineral oil as defined by § 172.878(a) as a component of defoaming agents for use in the brewing of beer.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 17, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-28130 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-01-M

Workshop on Testing Anti-Anginal Agents; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming public workshop to discuss methodology for the testing of the effectiveness of anti-anginal agents.

DATE: The workshop will be held on November 26, from 9 a.m. to 5 p.m.

ADDRESS: The workshop will be held at the Uniformed Services University of Health Sciences Auditorium, 4301 Jones Bridge Rd., Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: Joan C. Standaert, Center for Drugs and Biologics (HFN-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4730.

SUPPLEMENTARY INFORMATION: FDA's Division of Cardio-Renal Drug Products, Center for Drugs and Biologics, will hold a workshop to discuss methodology for the testing of the effectiveness of anti-anginal agents that may be considered appropriate for incorporating into a draft guideline. The entire meeting will be open to the public from 9 a.m. to 5 p.m. Requests for information on the workshop should be directed to Joan C. Standaert (address above).

Dated: October 18, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28134 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Recombinant DNA Advisory Committee Working Group on Human Gene Therapy; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee Working Group on Human Gene Therapy at the National Institutes of Health, Building 31C, Conference Room 4, 9000 Rockville Pike, Bethesda, Maryland 20205, on November 16, 1984, from approximately 9:00 a.m. to adjournment at a approximately 5:00 p.m. to discuss submission guidelines for proposals involving human gene therapy and review procedures. This meeting will be open to the public. Attendance by the public will be limited to space available.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Advisory Committee Working Group on Human Gene Therapy, National Institutes of Health, Building 31, Room 3B 10, Bethesda, Maryland, telephone (301) 496-6051.

Dated: October 16, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

[FR Doc. 84-28146 Filed 10-24-84; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program Board of Scientific Counselors' Meeting Addendum

The agenda topic—"NTP Response to Recommendations On Short Term Testing by the *Ad Hoc* Panel on Chemical Carcinogenesis Testing and Evaluation"—scheduled for the November 1, 1984, (Thursday morning) session of the National Toxicology Program (NTP) Board of Scientific Counselors' meeting (**Federal Register**, Volume 49 No. 200, p. 40226, Monday, October 15, 1984) will be deferred to allow further discussion of the review of the NIEHS/NTP Cellular and Genetic Toxicology Branch program. For further information, contact the Executive Secretary, Dr. Larry G. Hart, telephone (919) 541-3971, FTS 629-3971.

Dated: October 19, 1984.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[FR Doc. 84-28147 Filed 10-24-84; 8:45 am]

BILLING CODE 4140-01-M

National Committee on Vital and Health Statistics, Subcommittee on Uniform Minimum Health Data Sets; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463), notice is hereby given that the Subcommittee on Uniform Minimum Health Data Sets of the National Committee on Vital and Health Statistics, pursuant to functions established by section 306(k)(2) of the Public Health Service Act, as amended (42 U.S.C. 242k), will convene on Thursday, November 29 and Friday, November 30, 1984 at 9:00 a.m. to 5:00 p.m. both days in Room 337-339A of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The Subcommittee will hear testimony of regulators and providers of long-term care to the public as to the content, methods and procedures used to collect data relating to the provision of such care.

Further information regarding this meeting of the Subcommittee may be obtained by contacting Henry S. Mount, National Center for Health Statistics, Room 2-28 Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-7122.

Dated: October 16, 1984.

Robert Quave,

Acting Director, National Center for Health Statistics.

[FR Doc. 84-28192 Filed 10-24-84; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Off-Road Vehicle Designation Decision-8340; Boise District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed off-road vehicle designation decision-8340.

SUMMARY: Notice is hereby given relating to the proposed use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands for off-road motorized vehicle use as either open, closed or limited to existing roads, trails and washes.

The areas affected by this designation are known as the Owyhee and Bruneau Resource Areas of the Boise District.

These designations are a result of land use decisions made in the 1981 Owyhee Resource Area Management Framework Plan, and the 1983 Bruneau Resource Area Management Framework Plan. Comments received from public meetings influenced these decisions.

The Owyhee and Bruneau Resource Areas are comprised of hills, mountains and flat lands lying in southwest Idaho. There are approximately 3.7 million acres of BLM managed lands in these areas. Vehicle use in these areas will be "open" on 2,968,700 acres and "limited" to existing or designated roads, trails and washes on 661,300 acres. Some of the limitations will only be seasonal in nature. A total of 49,000 acres will be "closed" to motorized vehicles.

Open Designation

Owyhee Resource Area: 837,400 acres.
Bruneau Resource Area: 2,131,300 acres.

Limited Designation

Owyhee Resource Area: Total 462,600 acres.

1. Limited Season of Use—128,200 acres.

A. Murphy Hills ORV Area: located 30 miles southwest of Boise, Idaho. This area is closed to all ORV use from April 1 to June 15 to allow for the rest-rotation of the grazing systems. ORV use in given pastures *could* occur once out of every three years depending on authorization from the Area Manager. *During the remainder of the year (June 16–March 31), ORV use is limited to existing roads, trails and washes.*

2. Limited to Existing Raods and Trails—194,200 acres.

A. Silver City Area—29,600 acres: located 55 miles southwest of Boise, Idaho. Snowmobile use is permitted off existing roads and trails during the winter.

B. Boulder/Jordan Creek Deer Winter/Spring Range and Boulder Creek Natural Area—70,600 acres: located 65 miles southwest of Boise, Idaho. Snowmobile use is permitted off existing roads and trails during the winter.

C. North Fork Owyhee Backcountry Area—57,000 acres: located 80 miles southwest of Boise, Idaho.

D. Red Basin Deer Winter/Spring Range—37,000 acres: located 85 miles south of Boise, Idaho.

3. Limited to Designated Roads and Trails—145,200 acres.

A. Snake River Birds of Prey Natural Area—9,100 acres: located 30 miles south of Boise, Idaho.

B. Oregon National Historic Trail Area—7,000 acres: located 35 miles south of Boise, Idaho.

C. Owyhee River Bighorn Sheep Habitat Area (Area of Critical Environmental Concern)—129,000 acres: located 100 miles south of Boise, Idaho.

Bruneau Resource Area: Total 198,700 acres.

3. Limited to Designated Roads and Trails—117,700 acres.

A. Owyhee River Bighorn Sheep Habitat Area (Area of Critical Environmental Concern)—46,000 acres: located 100 miles south of Boise, Idaho.

B. Little Jacks Bighorn Sheep Habitat Area—29,000 acres: located 65 miles south of Boise, Idaho.

C. Snake River Birds of Prey Natural Area—26,700 acres: located 30 miles south of Boise, Idaho.

D. Oregon National Historic Trail Area—16,000 acres: located 30 miles south of Boise, Idaho.

2. Limited Periods of Use—81,000 acres.

A. Idaho National Guard Maneuver Area—81,000 acres: located 12 miles south of Boise, Idaho. ORV use in this area will not be allowed when maneuvers are in progress.

Closed Designation

Owyhee Resource Area: No closed areas.

Bruneau Resource Area: 49,000 acres.

A. Idaho National Guard Impact Area—49,000 acres: located 15 miles south of Boise. This area is closed to unauthorized motorized vehicles year-round.

Some major access roads in the resource areas will be signed accordingly and a brochure and map delineating the use areas will be published.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. Implementation plans and environmental assessments on these designations are available for inspection at the office listed below.

Address: For further information about this designation, contact the following Bureau of Land Management Office: George Farrow, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705 (208) 334–1582.

J. David Brunner,

Associate District Manager.

[FR Doc. 84-28220 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-GG-M

Casper District Office, WY; Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Casper District Advisory Council Meeting.

SUMMARY: The Casper District Advisory Council will meet on December 4–5, 1984, at the Buffalo Federal Savings and Loan Building, Buffalo, Wyoming. The meeting will begin at 10 a.m. on the 4th and continue through noon on the 5th. The public will be given an opportunity to address the council at 10:00 a.m. December 5. Persons interested in addressing the council should contact Runore Wycoff at the number below in advance of the meeting.

The meeting agenda will include briefings and updates on the Federal Oil and Gas Royalty Management Act regulations, the Platte River and Buffalo Resource Area Management Plans; KGSs; land sales; the stock driveways; and cooperative management agreements. Other topics may be considered as suggested by council members.

Meetings are open to the public. Proceedings of the meeting will be available within 30 days after the meeting.

DATE: December 4–5, 1984 beginning at 10 a.m. on the 4th.

ADDRESS: Hospitality Room, Buffalo Federal Savings & Loan, 106 Fort Street, Buffalo, Wyoming.

FOR FURTHER INFORMATION CONTACT: Runore Wycoff, Bureau of Land

Management, 951 North Poplar Street, Casper, WY 82601, (307) 261–5557.

Dated: October 19, 1984.

James W. Monroe,

District Manager.

[FR Doc. 84–28216 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–84–M

Prineville District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 of a meeting of the Prineville District Advisory Council to be held November 21, 1984. The meeting will begin at 10:00 a.m. at the Prineville District BLM office located at 185 East Fourth Street, Prineville, Oregon.

Agenda items to be discussed by the council include the preferred alternative for the Two Rivers Resource Management Plan/Environmental Impact Statement and public comments dealing with the issues and other alternatives to be analyzed.

The meeting is open to the public. Anyone wishing to attend and make written or oral statements to the council should contact the Prineville District Manager at the above address before November 14, 1984.

Dated: October 18, 1984.

Gerald E. Magnuson,

District Manager.

[FR Doc. 84–28217 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–33–M

Relocation of Public Room

The Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111 announces that effective November 16, 1984, the public room will be relocated to the following address: Bureau of Land Management, Utah State Office, Coordinated Financial Center, 324 South State Street, Suite 400, Salt Lake City, Utah 84111–2303.

As a result of this move, the Public Room open to the public for reviewing records and conducting other official business from the hours of 10:00 a.m. to 4:00 p.m. under 43 CFR 1821.2–1 will be temporarily closed for business from November 9, 1984 through November 15, 1984. The public room will reopen at 10:00 a.m. on November 16, 1984. Instruments filed during this period will retain their respective priority, and all other related instruments or remittances will be considered timely filed during the period the office is temporarily closed.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–28144 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–84–M

[A 327]

Arizona; Conveyance of Public Land; Reconveyed Land Opened to Entry

October 17, 1984.

Notice is hereby given that the following described land has been transferred out of Federal ownership pursuant to section 206 of the Federal Land Policy and Management Act of 1976 in exchange for privately owned land. The land transferred to private ownership is described as:

Gila and Salt River Meridian, Arizona

T. 18 N., R. 21 W.,
Sec. 6, lots 6 and 7, S½SW¼NE¼, S¼SE¼ NW¼, E½SW¼, NW¼NW¼SE¼.

Comprising 205.46 acres in Mohave County.

Land acquired by the United States is described as:

T. 26 N., R. 16 W.,
Sec. 5, lots 1 thru 4, incl., S½N½, E½SW¼, SE¼,
T. 27 N., R. 16 W.,
Sec. 9,
Sec. 17, All except 8.0 acres in N½NW¼ NE¼,
Sec. 31, E½, E½NW¼,
T. 28 N., R. 15 W.,
Sec. 31, N½, E½SE¼ and E½SW¼SE¼.

Comprising 2,651.48 acres in Mohave county.

The exchange was made on approximately equal values.

The purpose of this notice is to inform the public and interested State and local government officials of the transfer of public land and acquisition of private land by the Federal Government.

The land acquired by the Federal Government in this exchange will become subject to operation of the public land laws, generally, at 10:00 a.m. on November 30, 1984.

The following described lands were originally included in the application for selection as shown in the Notice of Realty Action published in the **Federal Register** March 12, 1984. Any segregative effect invoked by the NORA terminated on November 30, 1984, and the lands are open to entery under the general land laws, including the mining and mineral leasing laws:

T. 18 N., R. 21 W.,
Sec. 6, N½S½NE¼, S½SE¼NE¼, N½ SE¼NW¼, E½SE¼, SE¼NW¼SE¼, SW¼SE¼.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–28157 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–32–M

[Group 799]

California; Filing of Plat of Survey

October 16, 1984.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, effective 7:30 a.m. on December 15, 1984:

Mount Diablo Meridian, Inyo County

T. 20 S., R. 45 E.
T. 21 S., R. 44 E.
T. 21 S., R. 45 E.
T. 21 S., R. 46 E.
T. 22 S., R. 44 E

2. These plats representing the (1) dependent resurvey of a portion of the Fifth Standard Parallel South, the west boundary and portions of the south boundary and subdivisional lines, the survey to complete the south boundary and subdivisional lines, and the survey of the east boundary and subdivision of sections 3, 16, 27, 33, and 34, Township 21 South, Range 44 East, (2) in five (5) sheets, representing the dependent resurvey of the Fifth Standard Parallel South, along a portion of the south boundary, Township 20 South, Range 45 East, the west boundary, Township 21 South, Range 46 East, certain mineral surveys, and the survey of portions of the south boundary and subdivisional lines, Township 21 South, Range 45 East, (3) in two (2) sheets, representing the dependent resurvey of the west boundary, a portion of the south boundary, subdivisional lines, and Mineral Survey No. 4556 A and B, and the survey of the east boundary, the survey to complete the south boundary and subdivisional lines, and the survey of the subdivision of sections 3 and 4, Township 22 South, Range 44 East, Mount Diablo Meridian, California, under Group No. 799, California were accepted August 24, 1984.

3. The plats will at and after 7:30 a.m. of the above date, become the basic record for describing the land for all authorized purposes. Until this date and time, the plats have been placed in the open files and are available to the public for information only.

4. These plats were executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 84–28155 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–40–M

[Group 799]

California; Filing of Plat of Survey

October 16, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Inyo County

T. 23 S., R., 44 E.

2. This plat, representing the dependent resurvey of a portion of the south boundary, Township 23 South, Range 44 East, Mount Diablo Meridian, under Group No. 799, California, was accepted August 24, 1984.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 84–28154 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–40–M

[CA 15850]

Realty Action; Direct Sale of Public Land in Trinity County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct Sale of Public Land in Trinity County, CA 15850.

SUMMARY: Through development of approved land use plans, the Bureau of Land Management proposes a direct sale of a small, isolated parcel of public land lying within the unincorporated limits of the town of Weaverville, Trinity County, California, described as Lot 13, Section 7, T. 33 N., R. 9 W., M.D.B.&M., containing 0.02 acres.

The narrow pie shaped parcel has been examined and found to meet the disposal criteria of sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), and is consistent with Bureau and local planning. Sale will be made pursuant to regulations contained in 43 CFR Parts 2710 and 2720, and shall be made at a price not less than the fair market value as determined by the Secretary. Purchase shall be in accordance with procedures set forth in § 2711.3–1 (f) and (g).

It has been determined that Lot 13 contains no known mineral values. Therefore, as a condition of sale, a $50.00 nonrefundable filing fee for conveyance of the mineral estate is required.

Sixty (60) days from publication of this Notice the subject parcel will be offered by direct sale of Samuel A. Moran for the fair market value of $250.000 Lot 13 lies within a parcel of land owned by Mr. Moran, and acquisition of Lot 13 will enable him full utilization of the southwest portion of his property as well as remove a possible cloud on his title.

The patent for said Lot 13, when issued, will be subject to the following reservations:

1. A right-of-way shall be reserved for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All valid existing rights and reservations of record.

Publication of this Notice of Realty Action in the **Federal Register** shall segregate the subject public lands from appropriation under the public land laws, including the mining laws. The segregative effect of this Notice of Realty Action shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of the segregation or 270 days from the date of publication, whichever occurs first.

Further information concerning this sale, including the planning documents, environmental assessment and appraisal is available at the Redding Area Office, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

DATE: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments.

ADDRESS: Comments and suggestions should be sent to: State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this Notice will become a final determination for the Department of the Interior.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 84–28152 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–40–M

Burley District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Burley, Idaho.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Burley District Advisory Council will meet December 6, 1984.

The meeting will convene at 10:00 A.M. in the Conference Room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda items are:

1. Burley District resource management goals
2. Unauthorized cultivation of public lands
3. Resource Area boundary adjustment study
4. Range forage/animal husbandry relationship
5. Enhancing participation of the Advisory Council

Information items:

1. Cassia Resource Management Plan
2. Grazing fee study
3. Fire Management
   a. Prescribed burn program
   b. Managing wildfire in designated limited suppression areas
4. Fiscal Year 1984 accomplishments
5. Fiscal Year 1985 outlook

This meeting is open to the general public. The comment period for persons or organizations wishing to make oral statements to the Council will start at 2:00 P.M. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, prior to the start of the meeting. Depending upon the number of persons wishing to make statements, a per time limit may be established by the District Manager. Written statements may also be filed.

Minutes of the Council meeting will be maintained in the District Office and

will be available for public inspection during regular business hours.

Dated: October 18, 1984.

John S. Davis,

District Manager.

[FR Doc. 84-28158 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-GG-M

Casper District Office, WY; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Special meeting; Casper District Grazing Advisory Board.

SUMMARY: A special meeting of the Casper District Crazing Advisory Board is being held November 29, 1984, at 10:00 a.m. in the Casper District Office, 951 North Poplar Street, Casper, Wyoming.

The purpose of the meeting is to discuss weed control funding and the possibilities of using range improvement dollars for the funding of weed control. The meeting is open to the public and proceedings will be available 30 days following its conclusion.

DATE: November 29, 1984 beginning at 10 a.m.

ADDRESS: 951 North Poplar Street (formerly Rancho Road), Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: Runore Wycoff, Bureau of Land Management, 951 North Poplar Street, Casper, WY 82601, (307) 261-5557.

Leslie A. Olver,

Acting District Manager.

[FR Doc. 84-28161 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Advisory Council and Grazing Advisory Board; Meetings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Joint meeting of the Idaho Falls District Advisory Council and Grazing Advisory Board.

SUMMARY: The Idaho Falls District Advisory Council and District Grazing Advisory Board will meet Thursday, December 6, 1984. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9 a.m. at the Idaho Falls BLM office, 940 Lincoln Road in Idaho Falls. The meeting is open to the public; public comments on agenda items will be accepted from 11:15 to 11:45 a.m.

Agenda items for the meeting include:

1. Idaho Falls District activities update.

2. Discussion on new Egin Hamer Road right-of-way application (information only).

3. Review Draft Medicine Lodge Resource Management Plan and Environmental Impact Statement.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Telephone: (208) 529-1020.

Dated: October 19, 1984.

O'dell A. Frandsen,

District Manager.

[FR Doc. 84-28153 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-529, and 43 CFR Part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Wednesday, December 5, 1984 at 10:00 a.m. at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

The purpose of the meeting will be to reconcile and disburse advisory board funds for range improvement projects and review and make recommendations on amended 8100 (rangeland improvement) projects for FY 85.

SUPPLEMENTARY INFORMATION: The public is invited to attend and make written or oral statements between 1:00 p.m. and 2:00 p.m. The statements should not exceed 15 minutes in length. Requests for these statements should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, telephone (208) 886-2206. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Dated: October 16, 1984.

Charles J. Haszier,

District Manager.

[FR Doc. 84-28160 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-GG-M

Montana; Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of off-road vehicle designation decision.

SUMMARY: *Decision:* Notice is hereby given relating to the use of of-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under the administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

The 874,771 acre area affected by the designation is known as the Beaverhead and Madison Planning Units, which include all public lands in Beaverhead and Madison Counties, Montana.

These designations are revisions to the Dillion Off-Road Vehicle Travel Plan dated September 24, 1982, and published in Vol. 42, No. 191, of the **Federal Register** dated Friday, October 1, 1982. These revisions are necessary to more efficiently manage off-road vehicles on public lands and to coordinate off-road vehicle travel management with neighboring Beaverhead National Forest lands. Comments received from eight public open houses and numerous written responses influenced the changes made in the 1982 designations. This designation order supersedes all other off-road vehicle travel designations. These designations are published as final, effective immediately, and will remain in effect until rescinded or modified by the authorized officer. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Appeals.

A. *Open Designation*—Areas which are designated as open comprise approximately 666,437 acres.

B. *Limited Designation*—Areas which are designated as limited comprise approximately 179,600 acres. Limited designation was determined appropriate to protect the resources of the public lands, to promote the safety of all users of the public lands, and to minimize conflicts among various uses of the public lands. The following identifies changes to this closure category: Areas added, revised or dropped; type of restriction on motorized vehicle travel; the specific area/areas where the restriction occurs; the affected acreage; and a brief rationale for each affected area.

1. All motorized vehicles restricted to designated routes October 15 to December 1.

a. (Restriction added) *Upper Horse Prairie* (11,530 acres)—for elk security, to prevent resource damage, and to provide access to public lands through cooperative agreement with a private landowner.

b. (Restriction revised) *Bear Creek-Bear Gulch* (2,520 acres)—April 1 to July 1 closure for elk calving dropped. Now included above as part of Upper Horse Prairie closure. Elk calving to be protected through other administrative procedures.

c. (Restriction added) *Dyce Creek-Black Mtn. area* (10.009 acres)—to improve hunting quality and elk security, and to reduce vehicle damage to soils.

2. All motorized vehicles, except snowmobiles, restricted to designated routes year-long.

a. (Restriction revised) *Hidden Pasture* (6,625 acres)—year-long closure to protect bighorn sheep dropped. Sheep not yet available for transplant. Restriction added to protect wilderness suitability.

3. All motorized vehicles, except snowmobiles, restricted to designated routes from May 15, to December 1. Entire area, including designated routes, closed to all motorized vehicles from December 1 to May 15.

a. (Restrictions revised and added) *West Creek—Peterson Basin* (2,555 acres)—Year-long closure in Antone-Middle creeks area (435 acres) dropped. This area and additional areas combined into one closure unit to provide hunter access to designated routes on National Forest; to protect the watershed; to provide fall security for elk; to maintain elk early winter use; and to provide for public safety.

4. All motorized vehicles restricted to designated routes year-long.

a. (Restriction added) *Clover Creek* area (950 acres)—to provide for public safety and hunting quality, and reduce watershed erosion.

5. Closed to all motorized vehicles, except snowmobiles, year-long.

a. (Revised) *Shakey Spring* area (340 acres)—previous closure to protect wilderness suitability dropped. Closure purpose is now for elk security.

b. (Dropped) *Madison Tack-ons* (869 acres)—not included in Lee Metcalf Wilderness Area.

6. Closed to all motorized vehicles, except snowmobiles, from April 1 to July 1.

a. (Dropped) *Gibbs Creek* (840 acres)—closure to protect calving elk determined not to be necessary.

7. Motorized travel limited to authorized users only.

a. (Dropped) *Bad Luck Creek* (640 acres)—transferred to Forest Service as part of the Lee Metcalf Wilderness Area.

C. *Closed Designation*—Areas/trails which are designated as closed compromise approximately 28,734 acres. Changes to this closure category are:

1. Closed to all motorized vehicles year-long.

a. (Added) *Bear Trapn Unit of Lee Metcalf Wilderness Area* (1,600 acres)—approximately 1,600 acres, formerly National Forest lands, now administered by BLM as wilderness. Adjacent BLM land in Barn and Trail Creek areas also retained in closure to complement wilderness management.

b. (Added) *Dry Gulch Area* (960 acres)—existing closure for protection of elk winter range. Additional restrictions added for year-long elk security in coordination with adjacent National Forest.

c. (Dropped) *South Fork Hot Springs Creek Trail*—basis for trail closure no longer valid.

Detailed maps showing the location of the above-described designations are available from the offices listed below.

ADDRESS: For further information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59701, (406) 494–5059

Area Manager, Dillon Resource Area, P.O. Box 1048, Dillon, Montana 59725, (406) 683–2337

Jack A. McIntosh,

District Manager, Butte District Office.

[FR Doc. 84–28148 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–84–M

Montana; Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of off-road vehicle designation decision.

SUMMARY: *Decision:* Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under the administration of the Bureau of Land Management are designed as open, limited, or closed to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

Affected by the designation are 46,985 acres. They are included in portions of the Headwaters Resource Management Plan and the Beaverhead Planning Unit of the Mountain Foothills Management Framework Plan. The lands are managed by the Headwaters Resource Area and lie within Beaverhead, Deerlodge, Jefferson and Silver Bow Counties, Montana.

Some of these designations are revisions to the Dillon Off-Road Vehicle Travel Plan, dated June 1981, and published in Vol. 47, No. 191, of the **Federal Register** dated Friday, October 1, 1982. These revisions are necessary to more efficiently manage off-road vehicles on public lands and to coordinate off-road vehicle managment with neighboring Beaverhead and Deerlodge National Forest lands. Comments received from nine public open houses and numerous written responses influenced the changes made in the 1981 and 1982 designations. These designations are published as final, effective immediately, and will remain in effect until rescinded or modified by the authorized officer. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Appeals.

A. *Open Designation*—No areas have been designated as open.

B. *Limited Designation*—Areas which are designated limited comprise approximately 47,625 acres. Limited designation was determined appropriate to protect the resources of the public lands, promote the safety of all users of the public lands, and to minimize conflicts among various users of the public lands. The following identifies the type of restriction on motorized vehicle travel, the specific areas(s) where the restriction occurs, the affected acreage and a brief rationale for each affected area.

1. Closed to all motorized vehicles from December 1 to May 15.

a. (Boundary Change) *Dickie Hills-Jimmie New Creek* (10,450 acres)—to protect wintering elk and deer.

b. (Restriction Added) *Squaw Creek* (640 acres)—to protect wintering elk and deer.

2. All motorized vehicles restricted to designated routes from October 15 to December 1. Entire area, including designated routes, closed to all motorized vehicles from December 1 to May 15.

a. (Designated Route Revised) *Charcoal Gulch* (1,842 acres)—to protect elk security and winter range.

3. Closed to all motorized vehicles from October 15 to December 1.

a. *Maiden Rock* (1,130) acres)—to protect bighorn sheep.

4. All motorized vehicles restricted to designated routes from May 15 to December 1. Entire area, including designated routes, closed to all motorized vehicles from December 1 to May 15.

a. *Humbug Spires Wilderness Study Area, Moose Creek, MacLean Creek* (11,174 acres)—to protect bighorn sheep, elk and deer, and to provide primitive, non-motorized recreation opportunities.

5. All motorized vehicles restricted to designated routes from October 15 to December 1. Entire area, including designated routes, closed to all motorized vehicles from December 1 to May 15.

a. *Soap Gulch* (4,881 acres)—to protect bighorn sheep and wintering elk and deer.

6. All motorized vehicles restricted to designated routes from October 15 to December 1.

a. *Camp Creek* (16,868 acres)—to protect bighorn sheep.

7. All motorized vehicles restricted to designated routes year-long, except snowmobiles which are permitted to travel off designated routes from December 1 to May 15.

a. (Restriction Added) *Mt. Haggin Game Management Area* (640 acres)—to protect elk and deer range, provide elk security, prevent resource damage and coordinate with the Montana Department of Fish, Wildlife and Parks.

8. Closed to all motorized vehicles year-long.

a. (Restricted Added) *Whiskey Gulch* (200 acres)—to prevent resource damage and to provide for visitor safety.

Detailed maps showing the location of the above-described designations are available from the offices listed below.

ADDRESS: For further information about these designations, contact either of the following Bureau of Land Management offices:

District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59702, (406) 494–5059

Area Manager, Headwaters Resource Area, P.O. Box 3388, Butte, Montana 59702, (406) 494–5059

Jack A. McIntosh,

District Manager, Butte District Office.

[FR Doc. 84–28149 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–84–M

Realty Action; Sale of Public Lands in Lemhi and Custer Counties, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; sale of public lands in Lemhi County and Custer County, Idaho.

DATE AND ADDRESS: The sale offering will be held on Thursday, December 27, 1984, at 10:00 a.m. in the Salmon District Office, Box 430, Salmon, Idaho 83467. Unsold parcels will be offered every Thursday through March 21, 1985.

SUMMARY: Based on public supported land use plans the following described land has been examined and identified as suitable for disposal by public sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750, U.S.C. 1713), at no less than the appraised fair market value.

Sealed bids only will be accepted for each parcel offered for sale.

The below described lands are hereby segregated from all appropriations under the public land laws, including the mineral laws as provided by 43 CFR 2711.1–2(d).

The appraisals will be available after November 15, 1984 by contacting the Salmon District Office.

Parcel	Legal description	Acres
I–19628A Tract I–4(1).	T. 20 N., R. 21 E., B.M., sec. 12, N½NW¼.	80.0
I–19628B Tract I–4(2).	T. 22 N., R. 22 E., B.M., sec. 2, lot 2.	40.23
I–21147 Tract I–4(44).	T. 20 N., R. 23 E., B.M., sec. 5, lot 4.	40.7
I–21148 Tract I–4(59).	T. 20 N., R. 23 E., B.M., sec. 5, SW¼NE¼.	40.0
I–21129 Tract I–4(60).	T. 9 N., R. 22 E., B.M., sec. 35, lots 6 and 8.	26.95

When patented the lands will be subject to the following reservations to the United States.

Reservations:

1. Ditches and Canals (43 U.S.C. 945).

2. All leasable minerals, including oil and gas (43 U.S.C. 1719).

3. All valid and existing rights and reservations of record.

Type of Sale: Sale Parcels I–19628A, I–19628B, and I–21129 will be offered for sale through *Competitive Bidding.*

Sale parcel I–21147 is being offered through *Modified Competitive Bidding* subject to a preference to allow Pine Creek Ranch to meet the highest bid. This preference is based on adjacent land ownership and historical use. Any party may submit a bid, however, Pine Creek Ranch may match the highest bid within 30 days of the sale date. If no bid is received from Pine Creek Ranch on December 27, 1984, their preference right will be waived and the parcel will be offered for sale by competitive bidding on January 3, 1985 and will remain available for competitive sale until March 28, 1985.

Parcel I–21148 will be offered by *Direct Sale* to Pine Creek Ranch. The parcel has been historically used by and is totally isolated by the Pine Creek Ranch. Failure of Pine Creek Ranch to submit the required amount within 30 days of the sale date will result in cancellation of their preference right. The parcel would then be offered for sale by competitive bidding on January 28, 1985 and would remain available until March 28, 1985.

Sale Procedures: Bids for less than the fair market value will not be accepted. A bid will constitute an application for conveyance of mineral interests of no known value. A $50.00 non-returnable filing fee for processing such conveyance, along with twenty percent (20%) of the full bid price, must accompany each bid. Bids must be accompanied by a certified check, postal money order, or cashier's check made payable to the Bureau of Land Management. Bids will be rejected if accompanied by a personal check.

Supplementary Information: Detailed information concerning the sale terms and conditions, bidding instructions and procedures, appraisal and other details may be obtained by contacting Chuck Keller at the above address or by calling (208) 756–2201. For a period of 45 days from the date of this notice, interested parties may submit comments to the Salmon District Manager at the above address.

Dated: October 18, 1984.

Kenneth G. Walker,

District Manager.

[FR Doc. 84–28150 Filed 10–24–84; 8:45 am]

BILLING CODE 4310–GG–M

Conveyance of Public Lands; New Mexico

Notice is hereby given that, pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following described public lands have been conveyed to the purchasers shown through noncompetitive sale.

New Mexico Principal Meridian, New Mexico

Legal Description; Acreage; Purchaser; Serial Number.

T. 3 S., R. 1 E.,

Sec. 31: Lot 54, 4.01 acres; Canda Aguilar, P.O. Box 591, Socorro, NM 87801; NM 54569.

T. 4 S., R. 1 E.,

Sec. 6: Lot 40, 0.47 acres; Hubert A. Spurgin, Star Route 2, Box 135, Socorro, NM 87801; NM 54600.

Sec. 6: Lots 38 and 39; 0.445 acres; Manuel and Sofia Rosas, Star Route 2, Box 132, Socorro, NM 87801; NM 54601.

T. 7 N., R. 3 E.,

Sec. 30: Lot 17, 1.08 acres; Arthur G. and Mary Montoya, 448 Los Lentes Road NE, Los Lunas, NM 87031; NM 54582.

T. 1 S., R. 1 W.,

Sec. 23: Lot 40 and
T. 2 S., R. 1 W.,
Sec. 1: Lot 54, 0.83 acres total; State of New Mexico, P.O. Box 1149, Santa Fe, NM 87504; NM 57060.
T. 1 S., R. 1 W.,
Sec. 23: Lots 41 and 43 and
T. 2 S., R. 1 W.,
Sec. 1: Lots 36, 50, 51, 55, 56, 57 and 59,
Sec. 2: Lots 69, 72 and 73,
Sec. 11: Lot 48,
Sec. 12: Lots 27, 32 and 34; 29.51 acres total; Middle Rio Grande Conservancy District, 1930 2nd St. SW, Albquerque, NM 87102; NM 57051.
T. 2 S., R. 1 W.,
Sec. 1: Lot 52; 1.30 acres; Constancio Sanchez, P.O. Box 1791, Socorro, NM 87801; NM 57048.
Sec. 1: Lot 53; 0.21 acres; Donovan L. Swann, Route 1, Box 32, Lemitar, NM 87823; NM 54594.
Sec. 2: Lot 75; 0.51 acres; Justiniano and Virgie Santillanes, General Delivery, Lemitar, NM 87823; NM 54592.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of conveyance documents.

Joel E. Farrell,

Acting Area Manager.

[FR Doc. 84-28151 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-FB-M

[INT DEIS 84-50]

Oregon; Draft Supplement to the Josephine and Jackson-Klamath Final Timber Management Environmental Impact Statements; Public Meeting and DSEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Meeting on Medford Timber Draft SEIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management, Medford District Office, has prepared a draft supplement to the Final Timber Management Environmental Impact Statements (EISs) for the Josephine and Jackson-Klamath Sustained Yield Units on public land in the Medford District of southwestern Oregon. The Josephine and Jackson-Klamath Final EISs describe the environmental impacts of timber harvest techniques for the Medford District and were made available to the public in October, 1978, and November, 1979, respectively.

This supplement to the final EISs was prepared to further the purposes of the National Environmental Policy Act by addressing public controversy which has developed due to perceived differences between existing timber harvest practices and those analyzed in the EISs referenced above This supplement analyzes the environmental impacts of a proposed increase in clearcutting acreage with an associated decrease in shelterwood harvest and of a proposed shift from a stand basal area removed to a desired number of trees per acre left after the first entry of shelterwood harvest systems. Because of the limited nature of the matters addressed in the supplement, no other issues were considered. Analysis indicates that under this proposed action, impacts would not be significantly different than those addressed in the final EISs.

Public reading copies will be available for review at the following locations:

Klamath County Library, Klamath Falls, Oregon
Josephine County Library, Grants Pass, Oregon
Coos County Library, Coquille, Oregon
Curry County Library, Gold Beach, Oregon
Douglas County Library, Roseburg, Oregon
Jackson County Library, Medford, Oregon
Rogue Community College Library, Grants Pass, Oregon
Library, Southern Oregon State College, Ashland, Oregon
Library, Oregon Institute of Technology, Klamath Falls, Oregon
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon
Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504
Library, University of Oregon, Eugene, Oregon
Library, Portland State University, 727 S.W. Harrison, Portland, Oregon
Library, Oregon State University, Corvallis, Oregon

A limited number of copies are available upon request to the BLM Medford District Office.

An informal public meeting will be held on the draft SEIS at 7:30 p.m., November 13, 1984 in Medford, Oregon at the Bureau of Land Management, Medford District Office. Personnel will be available to answer questions regarding the analysis in the draft supplement.

Comments concerning the adequacy of this statement will be considered in preparing the final SEIS. The formal comment period will end December 21, 1984.

Comments received after the close of the formal comment period will be considered in the decision process, even though they may be too late to be specifically addressed in the final SEIS. Your written comments on the draft SEIS should be sent to: District Manager, Attn: Mike Walker, Team Leader, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504, Telephone: (503) 776-4604.

Dated: September 18, 1984.

Hugh R. Shera,

District Manager.

[FR Doc. 84-28197 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-33-M

Forest Service

Sawtooth National Forest Grazing Advisory Board; Meeting

Time—2 P.M.—November 20, 1984.

Place—Forest Supervisor's Office, 1525 Addison Avenue East, Twin Falls, Idaho.

Purpose—To review with the Advisory Board range allotment plans and expenditures of range betterment land for Fiscal Year 1985.

The meeting will be open to the public. Any public participant may make comments at the end of each agenda item.

Dated: October 18, 1984.

Roland M. Stoleson,

Forest Supervisor.

[FR Doc. 84-28159 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Proposed Contractual Actions Pending Through December 1984

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to § 426.20 of the rules and regulations published in the **Federal Register** December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of irrigation water in newspapers of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of irrigation contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums,

or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the seven Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during October, November, or December of 1984. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the addresses and telephone numbers given for each region.

This notice is one of the variety of means being used to inform the public about proposed contractual actions. Individual notice of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein:
(FR) **Federal Register**
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CVP) Central Valley Project
(P-SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(SOFAR) Southern Fork American River

Pacific Northwest Region: Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724, telephone (208) 334–9011.

1. Boise Cascade Corporation, Columbia Basin Project, Washington; Industrial water service contract; 250 acre-feet; FR notice published April 7, 1980, Vol. 45, page 23531.

2. Boise Project Board of Control, Boise Project, Idaho-Oregon; Irrigation repayment contract; 22,800 acre-feet of stored water in Arrowrock Reservoir.

3. Brewster Flat ID, Chief Joseph Dam Project, Washington; Amendatory repayment contract; Land reclassification of approximately 360 acres to irrigable; Repayment obligation to increase by $189,000.

4. Miscellaneous water users, Pacific Northwest Region, Idaho, Oregon and Washington; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms of up to 2 years.

5. Rogue River Basin water users, Rogue River Basin Project, Oregon; Water service contracts; $5 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water per contractor for terms up to 40 years.

6. Willamette Basin water users, Willamette Basin Project, Oregon; Water service contracts; $1.25 per acre-foot or $20 minimum per annum; not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

7. Washington Water Power Company, Inc., Columbia Basin Project, Washington; Industrial water service contract; 32,000 acre-feet of water per year from Franklin D. Roosevelt Lake for the proposed Creston Powerplant; FR notice published December 11, 1982, Vol. 46, page 60658.

8. Cascade Reservoir water users, Boise Project, Idaho; Irrigation repayment contracts; 57,251 acre-feet of stored water in Cascade Reservoir.

9. Boise Water Corporation, Boise Project, Idaho; Short-term (2 years) M&I water service contract; up to 5,000 acre-feet annually from stored water in Lucky Peak Reservoir.

10. Thirty-one Jackson Lake Dam Spaceholders, Minidoka Project, Idaho-Wyoming, Repayment of costs associated with Safety-of-Dams modifications to Jackson Lake Dam.

11. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

Mid-Pacific Region: Bureau of Reclamation (Federal Office Building), 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484–4680.

1. 2047 Drain Water Users Association, CVP, California; Water right settlement contract.

2. Tuolumne Regional Water District, CVP, California; Water service contract; 3,200 acre-feet from New Melones Reservoir.

3. Calaveras County Water District, CVP, California; Water service contract; 500 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

4. Miscellaneous water users, Mid-Pacific Region, Califorina, Oregon, and Nevada; Temporary (interim) water service contracts for suplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years.

5. Mountain Gate Community Services District, CVP, California; Amendatory water service contract providing for increased M&I use of the community of Mountain Gate.

6. Pacheco Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

7. City of Redding, CVP, California; Agreement for operation of the City of Redding's Lake Redding Power Project and resolution of potential impacts on Keswick Powerplant.

8. South San Joaquin ID and Oakdale ID, CVP, California; Operating agreement for conjunctive operation of New Melones Dam and Reservoir on the Stanislaus River; FR notice published June 6, 1979, Vol. 44, page 32483.

9. San Luis Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

10. San Juan Suburban Water District, CVP, California; Amendatory water service irrigation and M&I up to 80,000 acre-feet.

11. Solano ID, Solano Project, California; Amendatory loan repayment contract providing for reconveyance and M&I water supply delivery.

12. City of Avenal, CVP, California; Amendment of existing water service contract to provide for furnishing project power to city canalside relift facilities and change the point of diversion.

13. Yuba County Water Agency, South County Irrigation Project, SRPA, California; Loan repayment contract, $18,500,000 proposed obligation.

14. ID's and similar water user entities; Amendatory repayment and water service contracts, including the amending of approximately ten SRPA contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

15. United Water Conservation District, SRPA, California; Loan repayment contract, $18,730,000 proposed obligation.

16. State of Hawaii, Molokai Project, SRPA; Contract amendment to provide for use of facilities for M&I purposes.

17. Shasta Dam Area Public Utility District, CVP, California; Amendatory water service contract providing for increased M&I use to the district.

18. P-Canal Mutual Water Company, Kamath Project, Oregon/California; temporary 1-year water service contract for 18,000 acre-feet of surplus project water while negotiating continue for a permanent contract.

19. City of Lindsay, Friant Division, CVP, California; M&I water service contract for 2,500 acre-feet of class 1 water.

20. City of Folsom, CVP, California; water service 22,000 acre-feet of M&I water.

21. Prixley ID, SRPA, California; Loan repayment contract, 12,300,000 proposed obligation.

Upper Colorado Region: Bureau of Reclamation, P.O. Box 11568 (125 South State Street), Salt Lake City, UT 84147, telephone (801) 524–5435.

1. Miscellaneous water users, Upper Colorado Region, Utah, Wyoming, Colorado, and New Mexico; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annally per M&I contractor for terms up to 2 years.

2. Fontenelle Dam (Chevron) State of Wyoming, Seedskadee Project, Wyoming; Water sales contract for 22,500 acre-feet per year for industrial use. Environmental Impact Statement under preparation; approval pending outcome and compliance with Section 7, Endangered Species Act.

3. Animas-La Plata Conservancy District, Animas-La Plata Project, Colorado; Water service contract; 9,200 acre-feet per year for M&I use; 72,200 acre-feet per year for irrigation.

4. La Plata Conservancy District, Animas-La Plata Project, New Mexico; Water service contract; 16,000 acre-feet per year for irrigation.

5. City of Farmington, Animas-La Plata Project, New Mexico; M&I feet water service contract; 19,700 acre-feet per year.

6. City of Aztec, Animas-La Plata Project, New Mexico; M&I feet water service contract; 5,800 acre-feet per year.

7. City of Bloomfield, Animas-La Plata Project, New Mexico; M&I water service contract; 5,300 acre-feet per year.

8. Central Utah Project, Bonneville Unit, Utah; Supplemental M&I repayment contract for 99,000 acre-feet per year; Negotiations anticipated to be reactivated; FR notice published August 22, 1980, Vol. 45, No. 165, page 56199.

9. Central Utah Project, Bonneville Unit, Utah; $34,000,000 D&MC Contract—Duchesne River Area Canals rehabilitation to meet 1987 construction commitment. Repayment covered under executed repayment contract.

10. Dorchester Coal Company, Blue Mesa Reservoir, Colorado, Colorado River Storage Project; M&I water service contract, 400 acre-feet per year, for 40 years.

11. Miscellaneous water users, Upper Colorado Region, Blue Mesa Reservoir, Colorado River Storage Project, Colorado, M&I uses, 20-acre feet and less for 20–40 years.

12. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

Lower Colorado Region: Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, NV 89005, telephone (702) 293–8536.

1. Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona; Amendatory D&MC contract for improvement of the Gila River within the district's boundaries; $6,000,000 of Federal funds to be utilized on a nonreimbursable basis pursuant to Pub. L. 98–396, August 21, 1984.

2. Agricultural and M&I water users, CAP, Arizona; Water service subcontracts; A certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

3. Roosevelt Water Conservation District, Higley, Arizona; R&B loan contract; $7,474,424; FR notice published March 30, 1979, Vol. 44, page 19048.

4. Agricultural and M&I water users, CAP, Arizona; Contracts for repayment of Federal expenditures for construction of distribution systems.

5. Contracts with 16 agricultural entities located near the Colorado River in Arizona; Boulder Canyon Project; Water service contracts for up to 27,894 acre-feet per year total.

6. Fallbrook Public Utility District, Santa Margarita Project, California; Repayment and water service contract; $46,000,000 total obligation.

7. Gila River Indian Community, CAP, Arizona; Water service contract; Contract for delivery of up to 173,100 acre-feet per year.

8. Yuma-Mesa IDD, Gila Project, Arizona; Amendatory contract to allow the district to market up to 10,000 acre-feet of water per year for M&I purposes.

9. Hillcrest Water Company, Boulder Canyon Project, Arizona; Contract for delivery of 84 acre-feet of water per year to serve existing mobile home park pursuant to recommendation by Arizona Department of Water Resources.

10. Sunset Mobile Home Park, Boulder Canyon Project, Arizona; M&I water service contract for delivery of 30 acre-feet of water per yer pursuant to recommendation of Arizona Department of Water Resources.

11. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

12. Santa Ana Watershed Project Authority, Riverside, California; Contract for the repayment of a $14,917,000 SRPA loan.

13. Yuma County Water Users' Association, Valley Division, Yuma Project, Arizona; Amendatory contract for the advancement of $1,500,000 to the association by the United States on a nonreimbursable basis for the construction of new headquarters facilities and accompanying relocation costs.

14. Ak-Chin Indian Community, Maricopa, Arizona; Contract for repayment of $13,018,000 SRPA loan.

Southwest Region: Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, TX 79101, telephone (806) 378–5430.

1. City of Belen, San Juan-Chama Project, New Mexico; M&I water service contract for 500 acre-feet annually.

2. Fort Cobb Reservoir Master Conservancy District, Washita Basin Project, Oklahoma; Amendatory repayment contract to convert 4,700 acre-feet of irrigation water to M&I use.

3. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma; Amendatory repayment contract for remedial work. Necessity of amendment is dependent upon outcome of pending Safety of Dams legislation, S. 956 and H.R. 3208.

4. Vermejo Conservancy District, Vermejo Project, New Mexico;

Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Public Law 96–550.

5. State of Colorado, Closed Basin Division, San Luis Valley Project; Repayment contract for State's share of costs associated with development of recreation facilities and certain fish and wildlife facilities; Obligation will be negotiated in accordance with the Federal Water Project Recreation Act (Pub. L. 89–72), as amended; FR notice published February 12, 1982, Vol. 47, page 6493.

6. Tom Green County Water Improvement District No. 1, San Angelo Project, Texas; Amendatory repayment contract to defer payment of construction charges associated with the 1984 crop year due to the nonavailability of irrigation water for use by the District's water users.

7. Hidalgo County Irrigation District No. 1, Lower Rio Grande Valley, Texas; Supplemental SRPA loan contract for approximately $13,205,000. The contracting process is dependent upon final approval of the supplemental loan report.

8. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform with the Reclamation Reform Act of 1982 (Pub. L. 97–293).

Upper Missouri Region: Bureau of Reclamation, P.O. Box 2553, Federal Building, 316 North 26th Street, Billings, Montana 59103, Telephone (406) 657–6413.

1. Miscellaneous Water Users, Upper Missouri Region, Montana, Wyoming, North Dakota, and South Dakota; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms of up to 2 years.

2. Individual Irrigators, P–SMBP, Montana, North Dakota, South Dakota, and Wyoming; Irrigation water service contracts not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

3. Crook County ID (formerly Belle Fourche-Wyoming Water Association), Keyhole Unit, P–SMBP, Wyoming; Repayment contract for irrigation storage; 10 percent (presently 18,500 acre-feet) of Keyhole Reservoir storage space as provided by Belle Fourche River Compact; FR notice published August 21, 1980, Vol. 45, Page 55842.

4. Belle Fourche ID, Belle Fourche Unit, P–SMBP, South Dakota; Repayment contract covering construction and rehabilitation of existing irrigation facilities authorized by Public Law 98–157.

5. Town of Kirby, Boysen Unit, P–SMBP, Wyoming; Water service contract for municipal water services; Water entitlement not expected to exceed 50 acre-feet annually.

6. Nokota Company, Lake Sakakawea, P–SMBP, North Dakota; Industrial water service contract; Up to 16,800 acre-feet of water annually; FR notice published May 5, 1982, Vol. 47, page 19472.

7. State of Wyoming, Buffalo Bill Dam Modifications, P–SMBP, Wyoming; Contract with State of Wyoming for division of additional water impounded, sharing of revenues, and sharing of costs to construct, operate, and maintain modification of the existing Buffalo Bill Dam and Reservoir.

8. Helena Valley ID, P–SMBP, Montana; R&B loan repayment contract; Up to $2.2 million.

9. Fort Shaw ID, Sun River Project, Montana; R&B loan repayment contract; UP to $1.5 million.

10. Glasgow ID, Milk River Project, Montana; R&B loan repayment contract; Up to $2.2 million.

11. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

12. Individual Irrigators, Garrison Diversion Unit, P–SMBP, North Dakota; Use of surplus capacity in water supply system to deliver water to nonproject lands for terms up to 10 years.

13. East Bench ID, East Bench Unit, P–SMBP, Montana; SRPA loan of up to $3.2 million to enclose portions of lateral system in pipe to improve water use efficiency and provide gravity sprinkler pressure.

Lower Missouri Region: Bureau of Reclamation, P.O. Box 25247 (Building 20, Denver Federal Center), Denver, Colorado 80225, telephone (303) 234–3327.

1. H&RW ID, Frenchman-Cambridge Unit, P–SMBP, Nebraska; Amendatory water service contract; $1,200,000 outstanding.

2. Central Nebraska Public Power and ID, Glendo Unit, P–SMBP, Nebraska; Irrigation water service contract; 8,000 acre-feet; FR notice published December 30, 1983, Vol. 48, page 57632.

3. Purgatoire River Water Conservancy District, Trinidad Project, Colorado; Amendatory repayment contract for extension of the development period and revision of the repayment determination methodology; FR notice published August 6, 1982, Vol. 47, page 34206.

4. Casper-Alcova ID, Kendrick Project, Wyoming; Amendatory contract to provide water service to subdivided district lands; FR notice published November 24, 1980, Vol. 45, page 77522.

5. Corn Creek ID, Mitchell ID, Earl Michael, Glendo Unit, P–SMBP Wyoming, and Nebraska; Irrigation water service contracts.

6. Webster ID No. 4, Webster Unit, P–SMBP, Kansas; Irrigation water service and repayment contract amendment to adjust payment due to reduced water supply, $970,816 outstanding.

7. Green Mountain Reservoir, Colorado-Big Thompson, Project; Proposed contract negotiations for sale of water from the marketable yield to water users within the Colorado River drainage of western Colorado.

8. Miscellaneous water users, Lower Missouri Region, Southeastern Wyoming, Colorado, Nebraska, and northern Kansas; Temporary (interim) water service contracts for surplus project water, maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years; FR notice first published on February 16, 1982, Vol. 47, page 6725.

9. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; Second round of proposed contract negotiations for sale of water from the regulatory capacity of Ruedi Reservoir.

10. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

11. Lower South Platte Water Conservancy District, Central Colorado Water Conservancy District, and the Colorado Water Resources and Power Development Authority, P–SMBP, Narrows Unit, Colorado; Water service contracts for repayment of costs and cost sharing agreement.

12. CF&I Steel Corporation (formerly Colorado Fuel and Iron Corporation), Fryingpan-Arkansas Project, Colorado; Amendment of Contract No. 6–07–70–W0089 to include provision for assignment of part of the replacement storage contract to third parties when CF&I Steel Corporation sells storage space.

13. Amity Mutual Irrigation Company, Colorado; SRPA loan repayment contract; $4,223,000 proposed loan obligation.

14. Kirwin ID No. 1, Kirwin Unit, P–SMBP, Kansas; Irrigation water service and repayment contract and Emergency Drought Act loan contract amendment

to adjust payments due to reduced water supply, $866.231 outstanding.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on a proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60-day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties which requested the contract in response to the initial public notice.

Dated: October 18, 1984.

Richard Atwater,

Commissioner of Reclamation.

[FR Doc. 84-28221 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-09

Minerals Management Service

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–G 4451, Block 181, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on October 16, 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: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to 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 16, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-28162 Filed 10-24-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-219)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Whitman County, WA; Findings

The Commission has issued a certificate authorizing The Burlington Northern Railroad Company to abandon its rail line between milepost 45.60 near Rosalia and milepost 50.60 near Balder in Whitman County, WA. The certificate will become effective 30 days after this publication unless the Commission also finds that (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedure regarding financial assistance for continued rail service are contained in 49 U.S. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-28180 Filed 10-24-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 84-19]

Dennis Howard Harris, M.D.; Revocation of Registration

Correction

In FR Doc. 84–26842 beginning on page 39930 in the issue of Thursday, October 11, 1984, make the following correction:

On page 39930, second column, second complete paragraph, in the eleventh line, insert the following after "The": "Administrator adopts the opinion and recommended decision of the"

BILLING CODE 1505-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84-81]

NASA Advisory Council, History Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, History Advisory Committee.

DATE AND TIME: November 9, 1984, 8:30 a.m. to 3:30 p.m.

ADDRESS: Department of Social Sciences, Georgia Institute of Technology, Atlanta, GA 30332.

FOR FURTHER INFORMATION CONTACT: Dr. Sylvia D. Fries, Code LBH, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2999).

SUPPLEMENTARY INFORMATION: The History Advisory Committee was established to provide advice and guidance to the NASA history program, which maintains and archives and publishes works in the history of aeronautics and space science and technology. The Committee, chaired by Dr. Melvin Kranzberg, consists of 8 members.

This meeting will be closed to the public from 10:45 to 12 noon on November 9 for discussion of the qualifications of (1) possible authors for a new series of NASA histories, adn (2) an additional member to serve on the committee. Such a discussion would invade the privacy of the individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the meeting will be closed to the public for this period of time. The remainder of the meeting will be open to the public. Visitors will be requested to sign a visitor's register.

Type of meeting: Open, except for a closed session as noted in the agenda below.

Agenda

November 9, 1984

8:30 a.m.—Program Status and Review, Continuing Activities, New Activities.
10 a.m.—New Series: Titles and Design.
10:45 a.m.—New Series: Candidate Authors (Closed Session).
11:30 a.m.—Committee Membership: Additional Appointment (Closed Session).
1 p.m.—University Press Publications for "New Series".
2 p.m.—Series of "Occasional Papers".
2:30 p.m.—NASA Policy on Electronic Data Technology and Historical Records.
3 p.m.—Other Committee Business and Planning.
3:30 p.m.—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

October 19, 1984.

[FR Doc. 84-28128 Filed 9-24-84; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities, Arts and Artifacts Indemnity Panel Advisory Committee; Meeting

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 Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, in Room 714, from 9:30 a.m. to 5:00 p.m., on November 20, 1984.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal Council on the Arts and the Humanities for exhibits beginning after January 1, 1985.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, or call 202/786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 84-28186 Filed 10-24-84; 8:45 am]

BILLING CODE 7536-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater New American Works Prescreening) to the National Council on the Arts will be held on November 6-8, 1984, from 9:00 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: October 16, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-28181 Filed 10-24-84; 8:45 am]

BILLING CODE 7537-01-M

Privacy Act of 1974, Revisions to System of Records

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Revisions.

SUMMARY: This notice updates information published in the **Federal Register** on May 18, 1982. In addition, the National Endowment for the Humanities is adding a disclosure notice for three of its Privacy Act systems of records in accordance with the Debt Collection Act of 1982 (Pub. L. 97-365).

DATE: Effective October 25, 1984.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Acting General Counsel, National Endownment for the Humanities, Washington, D.C. 20506, (202) 786–0322.

SUPPLEMENTARY INFORMATION: The National Endowment for the Humanities has relocated to 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506. The location of systems of records has changed as a result of this move. The following notice reflects these changes. In addition, the Debt Collect Act of 1982, Pub. L. 97–365, 96 Stat 1749 authorizes agencies to disclose to consumers reporting agencies from Privacy Act record systems information concerning persons who owe money debts to the government. The information which may be disclosed from the systems of records to consumer agencies is: (1) The individual's name and address; (2) taxpayer identification number (social security number); (3) other information necessary to establish the identity of the individual; (4) the amount, status and history of the claim; and (5) the program under which the claim arose.

Since this notice relates to disclosures specifically authorized by the Privacy Act 5 U.S.C. 552a(b)(12), as added by the Debt Collection Act), it is not a "routine use" as referred in 5 U.S.C. 552a(b)(3) and is not subject to the advance notice requirements of 5 U.S.C. 552a(e)(11) and is therefore effective October 25, 1984.

This notice amends the SYSTEM LOCATION of records systems: NEH–1 Consultants, Reviewers and Panelists; NEH–2 Contracts; NEH–4 Equal Employment Opportunity Case File; NEH–5 Grant Applications; NEH–6 Grants to Individual; NEH–7 Personnel Records to the following address: The National Endownment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

Dated: October 18, 1984.

Victor Loughnan,

Director of Administration.

The SYSTEM MANAGER(S) AND ADDRESS of each system of records below is amended as follows:

NEH–1

SYSTEM MANAGER(S) AND ADDRESS:

Secretary to the National Endownment for the Humanities, Director, ADP Systems Room 817, 1100 Pennsylvania Avenue. NW., Washington, D.C. 20506.

NEH–2

SYSTEM MANAGER(S) AND ADDRESS:

General Council—NEH, Room 530, 1100 Pennsylvania Avenue. NW., Washington, D.C. 20506.

NEH–3

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer, Room 317, 1100 Pennsylvania Avenue. NW., Washington, D.C. 20506.

NEH–4

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Officer, Room 419, 1100 Pennsylvania Avenue. NW., Washington, D.C. 20506.

NEH–5

SYSTEM MANAGER(S) AND ADDRESS:

Grants Officer, NEH—Room 310, 1100 Pennsylvania Avenue. NW., Washington, D.C. 20506.

In addition, this notice amends record systems NEH–2, Contracts; NEH–5 Grant Applications; and NEH–6 Grant to Individuals and Institutions to permit disclosure of certain information to consumer credit agencies, pursuant to the Debt Collection Act of 1982.

NEH–2

SYSTEM NAME:

Contract—NEH–2.

SYSTEM LOCATION:

NEH—Office of the General Counsel, Room 530–1100 Pennsylvania Avenue. NW., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have entered into contracts with the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains contract, including name and address of contractor, specific and general contract provisions, contract amendments, correspondence, relevant back-up material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General Accounting Office audits; reporting on agency contracting activities to the Federal Procurement Data Center and other agencies, general congressional oversight; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

DISCLOSURE TO CONSUMERS REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in 12 inch by 10 inch folders.

RETRIEVABILITY:

Indexed by name and number.

SAFEGUARDS:

Records are maintained in a lockable file cabinet.

RETENTION AND DISPOSAL:

Scheduled for destruction 6 years, 3 months after final payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel—NEH Room 530, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURES:

See Title 45 CFR Part 1115.

RECORD ACCESS PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Foundation employees involved in contract development, administration, and execution.

NEH–5

SYSTEM NAME:

Grant Applications—NEH–5.

SYSTEM LOCATION:

1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and institutions applying to the National Endowment for the Humanities for financial assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant application, sample of work where appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General administration of grant review process; statistical research; congressional oversight and analysis of trends; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

DISCLOSURE PURSUANT TO 5 U.S.C. 552a(b)(12). Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

9 inch by 12 inch folders.

RETRIEVABILITY:

Indexed by name of applicant.

RETENTION AND DISPOSAL:

Successful applications are merged into "Grants to Individuals and Institutions" file. Rejected applications are retained for five years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Office—NEH, Room 310, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURES:

See Title 45 CFR Part 1115.

RECORDS ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual and institution on whom the record is maintained.

NEH–6

SYSTEM NAME:

Grants to individuals and institutions NEH–6.

SYSTEM LOCATION:

1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and institutions receiving grant awards from the National Endowment for the Humanities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant application including sample of work where appropriate, award notification letter, grant award acceptance agreement, payment schedule, relevant correspondence, final report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et. seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Administrative processing, general statistical research, congressional analysis of trends, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Information concerning grantees, principal investigator's location of grantees, title of grant, field of study, type of grantee, special characteristics, length of award, application date, date of recommendation, grant number, division and program element, amount and brief description of purpose of award is routinely forwarded to the Smithsonian Science Information Exchange (SSIE) and the Foreign Area Research Unit (FARU) in the Intelligence and Research Office of the Department of State.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b) (12): Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in 9 inch by 12 inch folders.

RETRIEVABILITY:

Indexed by name of individual, name of institution and number.

SAFEGUARDS:

Records are maintained in a lockable filing cabinet.

RETENTION AND DISPOSAL:

After receipt of final reports. Retained for ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Office— NEH, Room 310, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFR Part 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Employees involved in administration of the grant.

[FR Doc. 84-28185 Filed 10-24-84; 8:45 am]
BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-352-OL, 50-353-OL; ASLBP No. 81-465-07 OL]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2) Opportunity for Limited Appearances and of Resumption of Evidentiary Hearing

October 19, 1984.

Atomic Safety and Licensing Board: Before Administrative Judges: Helen F. Hoyt, Chairperson; Dr. Richard F. Cole; and Dr. Jerry Harbour.

1. Evidentiary hearings on offsite emergency planning will begin on November 19, 1984 in Philadelphia and will continue through December 7, 1984, if necessary. In accordance with 10 CFR 2.715(a) persons not parties to the proceeding will be given an opportunity to make limited appearances before the Board on November 15–16, 1984, in Pottstown, Pennsylvania. The first attachment to this Notice is a schedule of th exact dates, times and places of the hearings and the limited appearances.

2. One counsel or representative of each party to the proceeding may tour the Limerick site on the afternoon of November 14, 1984 with the members of this Board. The tour party will assemble at the Limerick Energy Information Center on 298 Longview Road at the Limerick Generating Station at 1:30 p.m. Counsel or representative attending the tour will notify Applicant's counsel in these proceedings 72 hours prior to site visit and will familiarize themselves with the Applicant's letter to all parties dated September 27, 1983, setting forth site rules for visits.

3. The contentions to be litigated in the hearings beginning November 19, 1984 are those emergency planning contentions already admitted. The

second statement to this Notice is a compilation of the texts of these contentions. Rulings and guidance on the scope of these contentions are to be found in *Philadelphia Electric Co.* (Limerick Units 1 & 2), LBP–84–18, 19 N.R.C. 1020 (1984), LEA's September 6, 1984 filing of reworded and respecified contentions, the Board's September 24, 1984 Memorandum and Order on those LEA's reworded and respecified contentions, and the discussion of the City of Philadelphia's issues at Tr. 12,287–310.

4. Parties are directed to provide typewritten cross-examination plans for those contentions being litigated in this proceeding. For each witness testifying, a plan will be given to the Board immediately prior to witness' standing for cross-examination. At the close of each witness' testimony, the cross-examining party will provide each of the other parties a copy of the plan. Such plans are among the tools the Commission, in its May 20, 1981 Statement of Policy on Conduct of Licensing Proceedings, recommends for use in bringing about full, fair, but also efficient hearings. Since the Board intends to follow other guidance in the Commission's Statement, a copy of it is the third attachment to this Notice.

5. This Board has often said that one or another of these contentions appeared to it to be eminently susceptible to settlement. *See, e.g.*, 19 N.R.C. at 1060. The Board continues to be of the opinion that exercise of the parties' best judgment in settlement negotiations could make litigation of some of these contentions unnecessary.

Dated at Bethesda, Maryland this 19th day of October, 1984.

For the Atomic Safety and Licensing Board.

Helen F. Hoyt,

Chairperson, Administrative Judge.

Attachment 1

SCHEDULE OF HEARING AND LIMITED APPEARANCES

Monday	Tuesday	Wednesday	Thursday	Friday
Limited Appearance sessions will be held at—Holiday Inn, Rt. 100 & King St., Pottstown, Pa 19164				
		Nov. 14: Board site tour, 1:30 PM, Limerick Energy Information Center, on 298 Longview Road, at the Limerick Generating Station.	Nov. 15: Limited appearances, 9:30 AM–12:00 noon; 1:30 PM–4:00 PM; 7:00 PM–10:00 PM	Nov. 16: Limited appearances, 9:30 AM–12:00 noon.
All of the following Evidentiary Hearings will be held at—Old Customs Courtroom, U.S. Customs House, 2nd & Chestnut Streets, Philadelphia, Pa 19106				
Nov. 19: Hearings in Philadelphia 1:30 PM–4:30 PM Nov. 26: Hearings in Philadelphia 1:30 PM–4:30 PM Dec. 3: Hearings in Philadelphia 1:30 PM–4:30 PM Dec. 17: Hearings in Philadelphia 1:30 PM–4:30 PM (if necessary)	Nov. 20: Hearings in Philadelphia 9:30 AM–4:30 PM Nov. 27: Hearings in Philadelphia 9:30 AM–4:30 PM Dec. 4: Hearings in Philadelphia 9:30 AM–4:30 PM Dec. 18: Hearings in Philadelphia 9:30 AM–4:30 PM (if necessary)	Nov. 21: Hearings in Philadelphia 9:30 AM–12 noon Nov. 28: Hearings in Philadelphia 9:30 AM–4:30 PM Dec. 5: Hearings in Philadelphia 9:30 AM–4:30 PM Dec. 19: Hearings in Philadelphia 9:30 AM–4:30 PM (if necessary)	Nov. 29: Hearings in Philadelphia 9:30 AM–4:30 PM Dec. 6: Hearings in Philadelphia 9:30 AM–4:30 PM Dec. 20: Hearings in Philadelphia 9:30 AM–4:30 PM (if necessary)	Nov. 30: Hearings in Philadelphia 9:30 AM–12:00 noon. Dec. 7: Hearings in Philadelphia 9:30 AM–12:00 noon. Dec. 21: Hearings in Philadelphia 9:30 AM–12:00 noon (if necessary).

Attachment 2

The Texts of Offsite Emergency Planning Contentions Admitted as of October 20, 1984

LEA–11

The draft Chester and Montgomery County and School District RERP's are deficient in that there is insufficient information available to reasonably assure that there will be enough buses to evacuate the schools, both public and private, in one lift.

LEA–12

The draft Montgomery, Chester, and Berks County RERP's and the School District RERP's are not capable of being implemented because there is not reasonable assurance that there will be sufficient numbers of teachers ans staff required to stay at school during a radiological emergency if sheltering is recommended as a protective measure, or that there will be sufficient numbers of school staff available to evacuate with children in the event of a radiological emergency. Therefore, children are not adequately protected by the draft RERP's.

LEA–13

There must be specific and adequate plans for children in day care, nursery and pre-school programs in order to provide reasonable assurance that this particularly sensitive segment of the population is adequately protected.

LEA–14

(a) The School District RERP's and the Chester, Berks, and Montgomery County RERP's are deficient because there are inadequate provisions of units of dosimetry-KI for school bus drivers, teachers, or school staff who may be required to remain in the EPZ for prolonged periods of time or who may be required to make multiple trips into the EPZ in the event of a radiological emergency due to shortages of equipment and personnel.

(b) The Chester, Berks, and Montgomery County School District RERP's fail to provide reasonable assurance that school bus drivers, teachers or other school staff are properly trained for radiological emergencies.

LEA–15

The Chester and Montgomery County RERP's and the School District RERP's are not capable of being implemented because the provisions made to provide bus drivers who are committed to being available during a radiological emergency, or even during preliminary stages of alert are inadequate.

LEA–22

The State, County, and Municipal RERP's are inadequate because farmers who may be designated as emergency workers in order to tend to livestock in the event of a radiological emergency have not been provided adequate training and dosimetry.

LEA–24/FOE–1

(Lead Intervenor: LEA)

There is no assurance that plans for evacuation of the ten mile radius will not be impeded by traffic congestion in the vicinity of Marsh Creek State Park, Exton area (involving Route 100) and Valley Forge Park, King of Prussia area.

These areas should either be included in the Emergency Planning Zone or

adequate plans for traffic control and direction should be made to avoid adverse effects on EPZ evacuation.

LEA–26

The Draft County and Municipal RERP's are deficient in that they do not comply with 10 CFR § 50.47(b)(5) because there is no assurance of prompt notification of emergency workers who must be in place before an evacuation alert can be implemented, and there is no assurance of adequate capability to conduct route alerting.

LEA–27

There must be specific and adequate plans to protect Camp Hill Village Special School, Inc. in East Nantmeal Twp., Chester County and for Camp Hill Village School in West Vincent Twp., Chester County.

LEA–28

(a) There is no assurance in the County or Municipal RERP's that the National Guard will have time to mobilize to carry out its responsibilities with regard to towing and providing emergency fuel supplies along state roads.

(b) There is no assurance provided in the Municipal, or County RERP's that there are sufficient resources available to provide towing, gasoline, and snow removal along non-state roads. According to PEMA, the National Gaurd has neither the resources for snow removal nor the responsibilities for it, according to the Commonwealth's Disaster Operations Plan.

CITY–18

The State Plan is inadequate in the area of emergency planning because in the plan there is no adequate implementable plan for providing an alternate source of water for the city of Philadelphia which is appropriate to the locale of Philadelphia and which gives consideration to the PAG guidelines, namely, substitution of other drinking water sources, importation of water, rationing, substitution of other beverages and designation of critical users. "Implementable plan" includes consideration of ability to implement in which is included resources available.

CITY–19

The State Plan is inadequate in the area of emergency planning because in the plan there is no adequate implementable plan or implementable alternatives and methods for decontamination of the City's water supply and water supply system. "Implementable plan" includes consideration of ability to implement in which is included resources available.

Attachment 3

[CLI–81–8]

Cite as 13 NRC 452 (1981)

United States of America Nuclear Regulatory Commission

Commissioners: Joseph M. Hendrie, Chairman; Victor Gilinsky; Peter A. Bradford; John F. Ahearne.

In the Matter of Statement of Policy on Conduct of Licensing Proceedings.
May 20, 1981.

The Commission issues a policy statement providing guidance to its licensing boards on the use of tools intended to reduce the time for completing licensing proceedings while still ensuring that hearings are fair and produce full records.

I. Background

The Commission has reviewed the docket of the Atomic Safety and Licensing Board Panel (ASLBP) and the current status of proceedings before its individual boards. In a series of public meetings, the Commission has examined at length all major elements in its licensing procedure. It is clear that a number of difficult problems face the agency as it endeavors to meet its responsibilities in the licensing area. This is especially the case with regard to staff reviews and hearings, where requested, for applications for nuclear power plant operating licenses.

Historically, NRC operating licensing reviews have been completed and the license issued by the time the nuclear plant is ready to operate. Now, for the first time the hearings on a number of operating license applications may not be concluded before construction is completed. This situation is a consequence of the Three Mile Island (TMI) accident, which required a reexamination of the entire regulatory structure. After TMI, for over a year and a half, the Commission's attention and resources were focused on plants which were already licensed to operate and on the preparation of an action plan which specified changes necessary for reactors as a result of the accident.

Although staff review of pending license applications was delayed during this period, utilities which had received construction permits continued to build the authorized plants. The staff is now expediting its review of the applications and an unprecedented number of hearings are scheduled in the next 24 months. Many of these proceedings concern applications for operating licenses. If these proceedings are not concluded prior to the completion of construction, the cost of such delay could reach billions of dollars. The Commission will seek to avoid or reduce such delays whenever measures are available that do not compromise the Commission's fundamental commitment to a fair and thorough hearing process.

Therefore, the Commission is issuing this policy statement on the need for the balanced and efficient conduct of all phases of the hearing process. The Commission appreciates the many difficulties faced by its boards in conducting these contentious and complex proceedings. By and large, the boards have performed very well. This document is intended to deal with problems not primarily of the boards' own making. However, the boards will play an important role in resolving such difficulties.

Individual adjudicatory boards are encouraged to expedite the hearing process by using those management methods already contained in Part 2 of the Commission's Rules and Regulations. The Commission wishes to emphasize though that, in expediting the hearings, the board should ensure that the hearings are fair, and produce a record which leads to high quality decisions that adequately protect the public health and safety and the environment.

Virtually all of the procedural devices discussed in this Statement are currently being employed by sitting boards to varying degrees. The Commission's reemphasis of the use of such tools is intended to reduce the time for completing licensing proceedings. The guidelines set forth below are not to be considered all inclusive, but rather to be considered illustrative of the actions that can be taken by individual boards.

II. General Guidance

The Commission's Rules of Practice provide the board with substantial authority to regulate hearing procedures. In the final analysis, the actions, consistent with applicable rules, which may be taken to conduct an efficient hearing are limited primarily by the good sense, judgment, and managerial skills of a presiding board which is dedicated to seeing that the process moves along at an expeditious pace, consistent with the demands of fairness.

Fairness to all involved in NRC's adjudicatory procedures requires that every participant fulfill the obligations imposed by and in accordance with applicable law and Commission regulations. While a board should endeavor to conduct the proceeding in a manner that takes account of the special circumstances faced by any participant,

the fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations. When a participant fails to meet its obligations, a board should consider the imposition of sanctions against the offending party. A spectrum of sanctions from minor to severe is available to the boards to assist in the management of proceedings. For example, the boards could warn the offending party that such conduct will not be tolerated in the future, refuse to consider a filing by the offending party, deny the right to cross-examine or present evidence, dismiss one or more of the party's contentions, impose appropriate sanctions on counsel for a party, or, in severe cases, dismiss the party from the proceeding. In selecting a sanction, boards should consider the relative importance of the unmet obligation, its potential for harm to other parties or the orderly conduct of the proceeding, whether its occurrence is an isolated incident or a part of a pattern of behavior, the importance of the safety or environmental concerns raised by the party, and all of the circumstances. Boards should attempt to tailor sanctions to mitigate the harm caused by the failure of a party to fulfill its obligations and bring about improved future compliance. At an early stage in the proceeding, a board should make all parties aware of the Commission's policies in this regard.

When the NRC staff is responsible for the delay of a proceeding the Chief Administrative Judge, Atomic Safety and Licensing Board Panel, should inform the Executive Director for Operations. The Executive Director for Operations will apprise the Commission in writing of significant delays and provide an explanation. This document will be served on all parties to a proceeding and the board.

III. Specific Guidance

A. Time

The Commission expects licensing boards to set and adhere to reasonable schedules for proceedings. The Boards are advised to satisfy themselves that the 10 CFR 2.711 "good cause" standard for adjusting times fixed by the Board or prescribed by Part 2 has actually been met before granting an extension of time. Requests for an extension of time should generally be in writing and should be received by the Board well before the time specified expires.

B. Consolidated Intervenors

In accordance with 10 CFR 2.715a, intervenors should be consolidated and a lead intervenor designated who has "substantially the same interest that may be affected by the proceedings and who raise[s] substantially the same questions. . . " Obviously, no consolidation should be ordered that would prejudice the rights of any intervenor.

However, consonant with that condition, single, lead intervenors should be designated to present evidence, to conduct cross-examination, to submit briefs, and to propose findings of fact, conclusions of law, and argument. Where such consolidation has taken place, those functions should not be performed by other intervenors except upon a showing of prejudice to such other intervenors' interest or upon a showing to the satisfaction of the board that the record would otherwise be incomplete.

C. Negotiation

The parties should be encouraged to negotiate at all times prior to and during the hearing to resolve contentions, settle procedural disputes, and better define issues. Negotiations should be monitored by the board through written reports, prehearing conferences, and telephone conferences, but the boards should not become directly involved in the negotiations themselves.

D. Board Management of Discovery

The purpose of discovery is to expedite hearings by the disclosure of information in the possession of the parties which is relevant to the subject matter involved in the proceeding so that issues may be narrowed, stipulated, or eliminated and so that evidence to be presented at hearing can be stipulated or otherwise limited to that which is relevant. The Commission is concerned that the number of interrogatories served in some cases may place an undue burden on the parties, particularly the NRC staff, and may, as a consequence, delay the start of the hearing without reducing the scope or the length of the hearing.

The Commission believes that the benefits now obtained by the use of interrogatories could generally be obtained by using a smaller number of better focused interrogatories and is considering a proposed rule which would limit the number of interrogatories a party could file, absent a ruling by the Board that a greater number of interrogatories is justified. Pending a Commission decision on the proposed rule the Boards are reminded that they may limit the number of interrogatories in accordance with the Commission's rules.

Accordingly, the boards should manage and supervise all discovery, including not only the initial discovery directly following admission of contentions, but also any discovery conducted thereafter. The Commission again endorses the policy of voluntary discovery, and encourages the boards, in consultation with the parties, to establish time frames for the completion of both voluntary and involuntary discovery. Each individual board shall determine the method by which it supervises the discovery process. Possible methods include, but are not limited to, written reports from the parties, telephone conference calls, and status report conferences on the record. In virtually all instances, individual boards should schedule an initial conference with the parties to set a general discovery schedule immediately after contentions have been admitted.

E. Settlement Conference

Licensing boards are encouraged to hold settlement conferences with the parties. Such conferences are to serve the purpose of resolving as many contentions as possible by negotiation. The conference is intended to: (a) have the parties identify those contentions no longer considered valid or important by their sponsor as a result of information generated through discovery, so that such contentions can be eliminated from the proceeding; and (b) to have the parties negotiate a resolution, wherever possible, of all or part of any contention still held valid and important. The settlement conference is not intended to replace the prehearing conferences provided by 10 CFR 2.751a and 2.752.

F. Timely Rulings on Prehearing Matters

The licensing boards should issue timely rulings on all matters. In particular, rulings should be issued on crucial or potentially dispositive issues at the earliest practicable juncture in the proceeding. Such rulings may eliminate the need to adjudicate one or more subsidiary issues. Any ruling which would affect the scope of an evidentiary presentation should be rendered well before the presentation in question. Rulings on procedural matters to regulate the course of the hearing should also be rendered early.

If a significant legal or policy question is presented on which Commission guidance is needed, a boards should promptly refer or certify the matter to the Atomic Safety and Licensing Appeal Board or the Commission. A board should exercise its best judgment to try to anticipate crucial issues which may

require such guidance so that the reference or certification can be made and the response received without holding up the proceeding.

G. Summary Disposition

In exercising its authority to regulate the course of a hearing, the board should encourage the parties to invoke the summary disposition procedure on issues where there is no genuine issue of material fact so that evidentiary hearing time is not unnecessarily devoted to such issues.

H. Trial Briefs, Prefiled Testimony Outlines and Cross-Examination Plans

All or any combination of these devices should be required at the discretion of the board to expedite the orderly presentation by each party of its case. The Commission believes that cross-examination plans, which are to be submitted to the board alone, would be of benefit in most proceedings. Each board must decide which device or devices would be most fruitful in managing or expediting its proceeding by limiting unnecessary direct oral testimony and cross-examination.

I. Combining Rebuttal and Surrebuttal Testimony

For particular, highly technical issues, boards are encouraged during rebuttal and surrebuttal to put opposing witnesses on the stand at the same time so that each witness will be able to comment immediately on an opposing witness' answer to a question. Appendix A to 10 CFR Part 2 explicitly recognizes that a board may find it helpful to take expert testimony from witnesses on a round-table basis after the recept in evidence of prepared testimony.

J. Filing of Proposed Findings of Fact and Conclusions of Law

Parties should be expected to file proposed findings of fact and conclusions of law on issues which they have raised. The boards, in their discretion, may refuse to rule on an issue in their initial decision if the party raising the issue has not filed proposed findings of fact and conclusions of law.

K. Initial Decisions

Licensing proceedings vary greatly in the difficulty and complexity of issues to be decided, the number of such issues, and the size of the record compiled. These factors bear on the length of time it will take the boards to issue initial decisions. The Commission expects that decisions not only will continue to be fair and thorough, but also that decisions will issue as soon as practicable after the submission of proposed findings of fact and conclusions of law.

Accordingly, the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel should schedule all board assignments so that after the record has been completed individual Administrative Judges are free to write initial decisions on those applications where construction has been completed. Issuance of such decisions should take precedence over other responsibilities.

IV. Conclusion

This statement on adjudication is in support of the Commission's effort to complete operating license proceedings, conducted in a thorough and fair manner, before the end of construction. As we have noted, that process has not, in the past, extended beyond completion of plant construction. Because of the considerable time that the staff had to spend on developing and carrying out safety improvements at operating reactors during 1979–1980, in the wake of the Three Mile Island accident, this historical situation has been disrupted. To reestablish it on a reliable basis requires changes in the agency review and hearing process, some of which are the subject of this statement.

As a final matter, the Commission observes that in ideal circumstances operating license proceedings should not bear the burden of issues that ours do now. Improvement on this score depends on more complete agency review and decision at the construction permit stage. That in turn depends on a change in industrial practice: submittal of a more nearly complete design by the applicant at the construction permit stage. With this change operating license reviews and public proceedings could be limited essentially to whether the facility in question was constructed in accordance with the detailed design approved for construction and whether significant developments after the date of the construction permit required modifications in the plant.

Dated at Washington, DC this 20th day of May, 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84-28232 Filed 10-24-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443, 50-444]

Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2), Request for Action Under 10 CFR 2.206 Regarding Construction Activities at the Seabrook Station, Units 1 and 2

Notice is hereby given that, by the "New England Coalition on Nuclear Pollution Petition for Enforcement and Motion for Suspension of Construction at the Seabrook Nuclear Power Plant" dated August 22, 1984 (Petition), the New England Coalition on Nuclear Pollution sought immediate suspension of construction activities at the Seabrook facility based on alleged violations of that facility's construction permits and other Commission requirements. The Petition claims that construction activities under way at Seabrook were beng conducted in violation of the terms of the construction permits issued to a number of electric companies, including the Public Service Company of New Hampshire (PSNH), to authorize construction of the Seabrook facility. The Petition alleges that a series of organizational changes commencing in 1984 have effectively removed PSNH as the sole technically qualified entity responsible for design and construction of the Seabrook facility. The Petition further alleges violation of the Commission's quality assurance requirements. It is alleged that the recent organizational changes make it unclear who has authority over quality assurance and construction of the facility. Furthermore, to the extent that PSNH does retain control over construction of the facility, the Petition alleges that PSNH has compromised that authority by becoming heavily indebted to its contractors and creditors. The Petition is being treated pursuant to 10 CFR 2.206 of the Commission's regulations and, accordingly, appropriate action will be taken on the request within a reasonable time. A copy of the Petition is available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room for the Seabrook facility, located at Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

Dated at Bethesda, Mayland this 17th day of October, 1984.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-28231 Filed 10-24-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361/362]

Southern California Edison Company, et al. (San Onofre Nuclear Generating Station, Unit Nos. 2 and 3); Exemption

I

The Southern California Edison Company, San Diego Gas & Electric Company, The City of Anaheim, California, and the City of Riverside, California (the licensees) hold Facility Operating License Nos. NPF-10 and NPF-15, which authorize operation of the San Onofre Nuclear Generating Station, Unit Nos. 2 and 3 (the facilities). The licenses provide, among other things, that the facilities are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. These facilities are pressurized water reactors located in San Diego County, California.

II

Section (a) of 10 CFR 70.24 requires that each licensee authorized to possess special nuclear material shall maintain in each area where such material is handled, used, or stored, an appropriate criticality monitoring system. In accordance with Section (a)(1) of 10 CFR 70.24, coverage of all such areas at San Onofre 2 and 3 shall be provided by two criticality detectors.

By letter dated March 27, 1984, the San Onofre 2 and 3 licensees requested an exemption from this requirement for the San Onofre 2 and 3 new and spent fuel storage areas of the fuel handling building. Specifically, the licensees propose to handle and store both irradiated and unirradiated fuel in the fuel handling building without having the two criticality monitoring systems required by 10 CFR 70.24. Such exemptions may be authorized pursuant to 10 CFR 70.14, provided that the licensees have shown that good cause exists for the exemption. In particular, Revision 1 of Regulatory Guide 8.12 "Criticality Accident Alarm Systems," January 1981, states that it is appropriate to request an exemption from 10 CFR 70.24 if an evaluation determines that a potential for criticality does not exist, as for example where geometric spacing is used to preclude criticality.

The licensees have previously demonstrated that both irradiated and unirradiated fuel will be stored in a geometry which will assure sub-criticality under normal and accident conditions in the new and spent fuel storage areas of the fuel handling building. This is discussed in Sections 9.1.1 and 9.1.2 of the San Onofre 2 and 3 Final Safety Analysis Report. The staff has previously reviewed storage of irradiated and unirradiated fuel in the San Onofre 2 and 3 fuel handling building and has found the licensees' demonstration of subcriticality to be acceptable, as is discussed in Sections 9.1.1 and 9.1.2 of NUREG-0712, the NRC staff's Safety Evaluation Report related to operation of San Onofre 2 and 3, dated February 1981.

The licensees' request for an exemption from 10 CFR 70.24 is based on the use of geometric spacing to preclude criticality in both the new and spent fuel storage areas. We have reviewed the licensee's request and find it acceptable, provided that geometric subcriticality is assured by prohibiting the licensees from having more than one fuel assembly outside an approved shipping container, storage rack, or the fuel transfer tube at one time.

Although not required by this exemption, we note that the licensees have a single criticality monitoring system in place and operable in the fuel handling building.

Because irradiated or unirradiated fuel will be subcritical due to the use of geometric spacing when stored in the new or spent fuel storage racks, and subject to the restriction that no more than one fuel assembly shall be authorized to be outside an approved shipping container, storage rack or the fuel transfer tube at any time, we conclude that the licensees' request for an exemption from the requirements of 10 CFR 70.24 with respect to irradiated or unirradiated fuel in the fuel handling building is acceptable and should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 70.14, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant environmental impact on the environment (49 FR 37484).

For further details with respect to this action, see the licensees' request dated March 27, 1984 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Branch Library, 242 Avenida del Mar, San Clemente, California 92672.

Dated at Bethesda, Maryland, this 28th day of September 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc.84-28230 Filed 10-24-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN-50-483]

Union Electric Company; Callaway Plant, Unit No. 1; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC), has issued Facility Operating License No. NPF-30 to Union Electric Company (the licensee) which authorizes operation of the Callaway Plant, Unit No. 1 (the facility), at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan.

On June 11, 1984, the Commission issued to Union Electric Company (the licensee) Facility Operating License No. NPF-25 for fuel loading and operation of the Callaway Plant, Unit 1 to five percent of full power (170 megawatts thermal). On October 4, 1984, the Commission approved by vote to authorize the issuance of a full power license for the Callaway Plant, Unit 1.

License No. NPF-30 incorporates changes to the technical specifications that were made subsequent to the issuance of NPF-25 and supersedes NPF-25.

Callaway Plant, Unit No. 1 is a pressurized water reactor located in Callaway County, Missouri, approximately 25 miles east-northeast of Jefferson City, Missouri. The application was submitted and accepted for review under the Commission's standardization policy statement of March 5, 1973. The Union Electric Company was one of five utilities who joined together under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) to submit applications for Construction Permits for a standard plant design for review under the Commission's standardization policy, using the duplicate plant option described in Appendix N to the Commission's regulations in Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50), "Licensing of Production and

Utilization Facilities." This option allows for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span at a multiplicity of sites. The license is effective as of the date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operatiang license was published in the Federal Register on November 21, 1980 (45 FR 7708).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF25, for fuel load and 5% power; (2) Facility Operating License No. NPF-30 with Technical Specifications (NUREG-1058, Revision 1) and the Environmental Protection Plan; (3) the report of the Advisory Committee on Reactor Safeguards, dated November 17, 1981; (4) the Commission's Safety Evaluation Report, dated October 1981 (NUREG-0830), and Supplements 1 through 4; (5) the Final Safety Analysis Report and Amendments thereto; (6) the Environmental Report and supplements thereto; (7) and the Final Environmental Statement, dated January 1982.

These items are available for inspection at the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555 and at the Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and at the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130. A copy of Facility Operating License NPF-30 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and Supplements 1 through 4 (NUREG-0830) and the Final Environmental Statement (NUREG-0813) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call 301-492-9530.

Dated at Bethesda, Maryland this 18th day of October 1984.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 84-28229 Filed 10-24-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21406; SR-NASD-84-20]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

October 19, 1984.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, submitted on July 27, 1984, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend the NASD's Uniform Practice Code ("Code") in two sections regarding non-delivery of securities. First, the rule change would add a sentence to section 1(c) of the Code to make clear that, in the case of nondelivery of securities, the defaulting party shall be liable for any damages which may accrue thereby. Second, the NASD proposes to amend section 59(j) of the Code by adding to existing close-out procedures a new procedure which may be used by members for contracts calling for the delivery of securities upon which a call or expiration date is imminent. Under the procedure, a member may send a liability notice to the delivering member no later than one business day prior to the latest time and date of the call or expiration date. If the member fails to deliver the securities on the expiration date, the delivering member shall be liable for any accrued damages, with the liability notice serving as notification of the claim for damages. The rule change would define expiration date as the latest time and date on which securities must be delivered or surrendered, up to and including the last day of any protect period. If a liability notice is not used, the existing option of a buy-in on the expiration date is still available. The proposed rule change would restrict such buy-ins to times after normal delivery hours to prevent a receiving member from affecting a buy-in and receiving delivery later in the day.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 21262, August 22, 1984) and by publication in the **Federal Register** (49 FR 34321, August 29, 1984). All written statements filed with the Commission and all written communication between the Commission and any person relating to the proposed rule change were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission received one comment letter on the proposed rule change. The commentator expressed full support for the rule change and urged its adoption. The commentator also stated that the rule change would add necessary structure to the receipt and delivery systems of broker-dealers.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28066 Filed 10-24-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21412; File No. SR-OCC-84-11]

Self-Regulatory Organization; Order Approving Proposed Rule Change of Options Clearing Corporation

October 19, 1984.

On July 6, 1984, the Options Clearing Corporation filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), a proposed rule change. The proposed rule change would incorporate into OCC's By-laws procedures that enable OCC clearing members to deposit in segregated funds

accounts the cash portion of their clearing fund contribution. The Commission solicited comment on the proposal in Securities Exchange Act Release No. 21174 (July 26, 1984), 49 FR 30823 (August 1, 1984). No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change amends Article VIII, Sections 3 and 4 of OCC's By-Laws to provide that a clearing member ("depositing clearing member") may deposit the cash portion of its clearing fund contribution [1] in a segregated funds account (*i.e.*, a demand deposit account containing solely the cash clearing fund contribution of the clearing member) at a bank ("depository bank") designated by the clearing member. Although OCC for several years informally has allowed clearing members to deposit clearing fund cash in segregated funds accounts,[2] OCC has decided to incorporate into its By-laws procedures relating to segregated funds accounts because clearing members now are commonly using them.

The proposal provides that OCC and each depository bank must enter into an agreement to establish a clearing member's segregated funds account.[3] This agreement provides that funds in the account will be segregated from all other funds deposited with the bank by OCC or the depositing clearing member. It also provides that deposited funds cannot be subject to any lien, charge, security interest, claim, or right of set-off in favor of the bank or any person claiming through the bank, other than security interests that may be granted to the depository bank by OCC to secure borrowings authorized in Article VIII of OCC's By-Laws.[4]

Although the account record reflects the name of the depositing clearing member, each account is maintained in OCC's name and is subject to OCC's exclusive control. Thus, although OCC and the clearing member may make deposits to the account, only OCC may make withdrawals. The proposal also provides that the depositing clearing member bears any risk of loss of deposited funds. OCC believes it appropriate for depositing clearing members to bear this risk because each clearing member selects the depository bank to maintain its segregated funds account. Finally, any interest paid on accounts accrues to depositing clearing members.[5]

II. OCC's Rationale

OCC believes that the proposed rule change is consistent with section 17A of the Act in that it assures the safeguarding of securities and funds in OCC's custody or controls. OCC states in its filing that the proposal assures the continuing integrity of cash clearing fund deposits. OCC represents that it expects all accounts will be insured by the Federal Deposit Insurance Corporation ("FDIC"). Thus, if a depository bank were to become insolvent, cash in each account would be insured up to FDIC insurance limits. OCC additionally states that even if FDIC insurance were not available for some or all of the cash in the account, OCC would be treated as a preferred creditor because segregated funds accounts are considered to be "special accounts." [6] Finally, OCC asserts that it would be fully protected even if the accounts are not treated as special accounts. In that circumstance, the proposal clearly states that the risk of loss of the deposited cash is on the depositing clearing member. Thus, that clearing member would be required to provide OCC with additional clearing fund assets sufficient to satisfy fully its clearing fund deposit obligation.

OCC further states in its filing that depositing clearing members will benefit from the proposal in several ways. First, the proposal provides that depositing clearing members will earn any interest on their deposits. Second, depositing clearing members should be able to obtain financing at reduced interest rates. Depository banks often finance aspects of clearing members' businesses. Those banks usually agree to treat cash in segregated funds accounts as compensating balances. Because that cash increases depository banks' lendable assets at little cost, the banks can offer depositing clearing members financing at reduced interest rates.

III. Discussion

For the following reasons, the Commission finds that the proposed rule change is consistent with Section 17A of the Act and is approving the proposal. The Commission agrees with OCC that the proposal includes sufficient safeguards to ensure that clearing fund cash will remain liquid and freely available to OCC in case of a clearing member's insolvency.[7] First, the agreement ensures that OCC has exclusive control over deposited cash. Accounts must be in OCC's name, and only OCC can withdraw deposited funds. In addition, the accounts must be free of all liens, charges, security interests, claims, or rights of set-off in

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[1] OCC maintains a Stock Clearing Fund and a Non-Equity Securities Clearing Fund (collectively "clearing fund") to which each OCC Stock Clearing Member and Non-Equity Securities Clearing Member respectively must contribute. Article VIII, Section 2 of OCC's By-laws and OCC Rule 1001 require each Stock Clearing Member to contribute the greater of $10,000 or such proportionate share of a certain percentage of the daily aggregate OCC margin requirement relating to stock options contracts outstanding during the preceding calendar month. Non-Equity Securities Clearing Members contribute according to an identical formula, except that the minimum contribution is $100,000. Article VIII, Section 3 of OCC's By-laws allows Clearing Members to contribute cash and government securities. When a clearing member defaults on its contractual obligations, OCC ordinarily suspends it from OCC membership. OCC takes custody of most of the member's assets pledged to OCC, including OCC margin and clearing fund deposits, and places them in a "liquidating settlement account." The assets of the suspended clearing member are liquidated and outstanding liabilities of the suspended clearing member are then satisfied from that member's liquidating settlement account. *See* Chapter XI of OCC's Rules for a detailed description of OCC's suspension procedures. OCC first charges liabilities against the suspended clearing member's margin deposits. If the margin deposits are exhausted, then the suspended member's clearing fund assets are charged. If there is still a deficiency, OCC, in its discretion, may elect to charge the deficiency, in whole or part, to OCC's current earnings. Alternatively, OCC, among other things, can pledge solvent clearing members' clearing fund assets or draw down solvent clearing members' clearing fund contributions on a *pro rata* basis. *See* OCC By-laws, Article VIII. OCC also can use clearing fund assets to reimburse itself for losses resulting from a bank's failure to perform its obligations to OCC in circumstances not involving a clearing member default. In all cases where OCC uses clearing fund assets, whether by *pro rata* charge or otherwise, clearing members generally must contribute sufficient assets to meet required clearing fund levels. *See* Article VIII, section 6 of OCC's By-Laws.

[2] *See* File No. SR–OCC–81–4; Securities Exchange Act Release No. 17938 (July 13, 1981), 46 FR 37842 (July 22, 1981).

[3] OCC's filing includes a sample agreement.

[4] In certain circumstances, OCC is authorized to pledge clearing fund assests in lieu of immediately charging a loss to the clearing fund. *See* note 1 *supra*.

[5] Clearing members also earn interest on deposits of government securities to the clearing fund where such deposits are evidenced by depository receipts accepted by OCC. Interest on other clearing fund assets accrues to OCC. *See* Article VIII, Section 4 of OCC's By-Laws.

[6] *See* 12 U.S.C.A. 194, note 77.

[7] The Commission notes that the role of OCC's clearing fund is fundamentally different than that of clearing funds at other clearing agencies. Clearing funds generally are other clearing agencies' primary protection against financial exposure from participant default. At OCC, however, clearing members' margin deposits are OCC's primary protection. *See* Article VIII, Section 5 of OCC's By-laws and Chapters VI and XI of OCC's Rules. This fact is reflected in the relative size of the two asset pools: OCC margin as of December 31, 1983, totaled about $2.6 billion while, at the same time, OCC's clearing fund was about $210.5 million. (In addition, OCC had deposits of underlying securities, deposited in lieu of margin, valued at $5.7 billion.) Indeed, OCC's experience with clearing member insolvencies has shown that OCC's margin program is a very effective financial safeguard; OCC has not yet had to resort to clearing fund assets.

favor of the bank or any other person claiming through the bank, except OCC can pledge account cash to borrow funds in lieu of assessing solvent clearing members' clearing fund contributions on a *pro rata* basis. Moreover, account assets must be segregated from all other clearing member or OCC assets on deposit with the bank.

Second, in the remote event of a simultaneous clearing member and depository bank insolvency, segregated funds accounts should be protected by FDIC insurance. The Commission notes, however, that when FDIC insurance is available, OCC still could face short-term financial exposure from a delay in recovering insured deposits of both insolvent and solvent clearing members. OCC is protected against this short-term risk in several ways. OCC could charge the loss to its current earnings, pledge on a short-term basis solvent clearing members' clearing fund contributions (including segregated funds accounts deposited at banks other than the insolvent bank), or assess solvent clearing members' clearing fund contributions on a *pro rata* basis.[8] When the FDIC pays over to OCC the insured funds, OCC then would make itself or its solvent clearing members financially whole. That is, OCC would replenish its current earnings, release clearing fund assets from pledge or repay clearing members in proportion to the *pro rata* assessments.

Third, the Commission believes that OCC's comprehensive safeguarding scheme noted above, together with the limited amount of clearing fund assets in segregated funds accounts, minimize the financial exposure to OCC and its membership where the amount of funds in segregated funds accounts may exceed FDIC insurance limits. OCC has informed the Commission that segregated funds accounts as of December 31, 1983, make up only 10% of OCC's clearing fund. Moreover, only one segregated funds account currently exceeds FDIC insurance limits. Accordingly, given the current pattern of segregated funds account use, and the availability of numerous OCC protective mechanisms, the Commission believes that the degree of financial exposure attributable to deposits exceeding insurance coverage is minimal. Nevertheless, the Commission expects OCC to monitor closely the amounts of clearing fund cash in segregated funds accounts and the number and dollar amounts in each account. If that process reveals material increases in clearing member use of segregated funds accounts and the number of accounts that contain cash in excess of FDIC insurance, the Commission would expect OCC to review this program.

Finally, the Commission agrees with OCC that the proposal should benefit clearing members. First, the proposal will help to clarify for clearing members OCC's procedures regarding segregated funds accounts. Second, the proposal formally establishes an alternative method that clearing members can use to satisfy their clearing fund requirements. Third, clearing members choosing to use segregated funds accounts should gain a pecuniary benefit. That benefit could take the form of interest earned on the accounts or reduced interest rates on borrowings from depository banks.

IV. Conclusion

Based on the foregoing, the Commission believes that OCC's proposal, coupled with OCC's current protective mechanisms, does not adversely affect the safeguarding of securities and funds in OCC's custody or for which it is responsible. Accordingly, the Commission is approving the proposed rule change.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28191 Filed 10-24-84; 8:45 am]

BILLING CODE 8010-01-M

[8] *See* Article VIII of OCC's By-laws. The Commission believes that with respect to solvent clearing members, OCC has additional safeguards. Because a short-term delay would cause clearing fund cash in segregated funds accounts to be unavailable to OCC, that illiquidity could cause OCC to deem those funds not to be acceptable clearing fund deposits. Then, OCC could require each of those clearing members to provide OCC with sufficient acceptable clearing fund assets to cure the resulting clearing fund deficiency. *See* OCC Rule 1003. This safeguarding measure is buttressed by the proposal's language providing that each clearing member bears the risk of loss of funds deposited in segregated funds accounts, whether that loss is a result of depository bank insolvency or otherwise. Moreover, if any solvent clearing member were to fail to provide those clearing fund contributions, OCC could take disciplinary action against the member under Chapter XII of its Rules or, in egregious cases, OCC could suspend the defaulting member under Chapter XI of its Rules.

[Release No. 14207; 812-5800]

Liberty Housing Partners Limited Partnership, et al.; Filing of Application for an Order Exempting Applicants From All Provisions of the Act

October 22, 1984.

Notice is hereby given that Liberty Housing Partners Limited Partnership ("Partnership"), a Massachusetts limited partnership, and Liberty Real Estate Corporation (collectively, "Applicants"), Federal Reserve Plaza, 600 Atlantic Avenue, Boston, MA 02210, filed an application on October 5, 1984, and an amendment thereto on October 15, 1984, for a restated order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that, with the exception of the representations mentioned herein, they incorporate by reference in its entirety their application for exemption, filed on March 21, 1984, as amended on July 26, 1984. A summary of those representations is contained in the prior notice of the filing of that application (Investment Company Act Release No. 14047, July 24, 1984). Applicants now represent that the form of Subscription Agreement for the Partnership's Units provides that each subscriber will represent, among other things, that either (1) some part of his income (without regard to investment in the Partnership) for the current year (and which is expected to continue in future years) will be subject to federal income tax at the rate of 38% or more and he has a net worth (exclusive of home, home furnishings and automobiles) of at least $50,000, or (2) he has a net worth (exclusive of home, home furnishing and automobiles) of at least $200,000.

Applicants state that, as a result of changes effected to the Internal Revenue Code, there is no 40% marginal tax bracket (as represented in the prior notice) for taxable years beginning after 1983 and that in general the taxable income ranges formerly taxed at the 40% marginal tax rate are taxed in taxable years beginning after 1983 at the 38% marginal tax rate. Applicants further state that, since commencing its offering in July, 1984, the Partnership, under its present order, is at a significant competitive disadvantage in comparison

with other real estate limited partnerships.

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. 84-28237 Filed 10-24-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21419; File No. SR-MCC-84-6]

Self Regulatory Organization; Order Approving Proposed Rule Change of Midwest Clearing Corporation

October 22, 1984.

On July 23, 1984, Midwest Clearing Corporation ("MCC") submitted a proposed rule change to the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). Notice of the proposal was published in Securities Exchange Act Release No. 21216 (August 6, 1984), 49 FR 32696 (August 15, 1984). The Commission received no letters of comment. For the reasons discussed below, the Commission is approving MCC's proposed rule change.

The proposed rule change amends MCC's Rules [1] to require that securities loans between an MCC participant and another MCC participant's Midwest Stock Exchange ("MSE") specialist, market maker, or trading account be processed within MCC's Member to Member Securities Loan Program [2] and its Trade-by-Trade System.[3] The proposal would affect the processing of securities loans outside MCC's Automatic Securities Loan Program.[4]

MCC states in its filing that many participants have not been using the Member to Member Securities Loan Program. Instead, those participants have been arranging securities loans outside the Member to Member Securities Loan Program. To effect these securities loans, the lending participant delivers the securities to the borrower by submitting to Midwest Securities Trust Company a Depository Delivery Instruction ("DDI"). MCC states that these loans cause the borrowing participant's MCC reports to be out of balance because the loan and DDI are not reflected in certain MCC reports.[5] MCC's Midwest Clearing Department ("MCD") then must research this technical out-of-balance condition, which is reflected in MCC's weekly Stock Record Report.

MCC believes the proposal will reduce the number of unnecessary Stock Record Reports generated and will enable MCD to perform research activity more effectively because these out-of-balance reports no longer would be generated or researched. MCC also states that the proposal will enable MCC, MSE and their participants to review more effectively securities loan activity. For these reasons, MCC believes that the proposal is consistent with Section 17A of the Act.

For the following reasons, the Commission agrees with MCC that the proposal is consistent with Section 17A of the Act and should be approved. By requiring that securities loans between a participant and another participant's MSE specialist, market maker, or trading account be included in MCC's Member to Member Securities Loan Program, the proposal should benefit MCC in several ways. First, by increasing the number of securities loans that must be processed within MCC's automated systems,[6] MCC's ability to monitor participants' securities loan activity should be enhanced. More securities loans will be readily identifiable as such for the first time in MCC's systems. Thus, MCC should be better able to determine, and to protect itself and its participant community from, potential financial exposure from participants' securities loan activities. Second, by effectively eliminating a source of unimportant out-of-balance position reports and the need for MCC staff to research them, MCC's monitoring staff should be better able to use its resources.

On the basis of the foregoing, the Commission believes that the proposal is consistent with section 17A of the Act in that the proposal should enhance MCC's ability to safeguard securities and funds, and should increase the efficiency of MCC's clearance and settlement systems.

It is therefore ordered, pursuant to section 19(b)(2) of the Act that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28239 Filed 10-24-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21420; SR-NASD-84-25]

Self-Regulatory Organization; National Association of Securities Dealers, Inc.; Filing and Immediate Effectiveness of Proposed Rule Change

October 22, 1984.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, submitted on October 18, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to improve the efficiency of the NASD's Computer Assisted Execution System ("CAES") by providing for the direct submission of transaction information to clearing

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[1] Article IV, Rule 4 and new Rule 5.

[2] Currently, MCC's Member to Member Securities Loan Program applies to securities loans where a participant requests MCC to act as its agent in arranging a loan with another participant or where MCC institutes a mandatory securities loan for a participant that has maintained a short Continuous Net Settlement ("CNS") position in excess of time periods prescribed by MCC.

[3] *See* Article IV of MCC's Rules for a detailed description of the Trade-by-Trade System. Among other things, MCC's Trade-by-Trade System provides for: buying-in, selling-out, or borrowing of securities when there is a failure to deliver or receive securities; marking to the market securities loans at participant request; and an audit trail.

[4] Securities loans within MCC's Automatic Securities Loan Program are automatically made by MCC from securities participants have placed in loan free positions in MCC's CNS System. These loans are recorded and settled in MCC's CNS System.

[5] For example, when a borrowing participant satisfies a CNS short position with a securities loan outside the Member to Member Securities Loan Program, the borrowing participant's "Profit and Loss Report" will reflect the CNS short position but the securities loan delivered by DDI will not be reflected in the participant's trade-by-trade activity on its "Net Position Report." Consequently, the participant's MCC reports will be out of balance, *i.e.*, even though the CNS short obligation has been covered by the loan, the participant's Profit and Loss Report will continue to reflect such short position and the participant's Net Position Report will fail to reflect the covering securities loan. In contrast, a participant's securities loan within the Member to Member Securities Loan Program is reported on the participant's Net Position Report and the loan balances with the short position on the participants Profit and Loss Report.

[6] The Commission encourages clearing agencies to develop and to implement member-to-member securities loan accounting systems.

agencies and thereby eliminating the submission of hard copy trade data to such clearing agencies for transactions executed through the system.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Publication of the submission is expected to be made in the Federal Register during the week of October 22, 1984. Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comments should refer to File No. NASD–84–25.

Copies of the submission, and all related items other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the filing and of any subsequent amendments also will be available at the principal office of the NASD.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–28236 Filed 10–24–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 14206; 812–5852]

Related Midwest Housing Associates and the Related Companies, Inc.; Filing of Application for an Order Exempting Applicant From All Provisions of the Act

October 19, 1984.

Notice is hereby given that Related Midwest Housing Associates (the "Partnership"), a New York Limited partnership, and its general partner, The Related Companies, Inc., a Delaware corporation, 645 Fifth Avenue, New York, New York 10022 (the "General Partner" and, together with the Partnership, collectively referred to hereinafter as "Applicants"), filed an application on May 16, 1984, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order exempting the Partnership from all provisions of the Act and rules thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the relevant statutory provisions.

Applicants state that the Partnership was organized to facilitate equity investment in government-assisted rental housing consistent with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants state that the Partnership will operate as a "two-tier" entity, *i.e.*, the Partnership, as a limited partner, will invest in two Michigan limited partnerships, Oakland Park Towers II Development Company and Walled Lake Villa Limited Dividend Housing Association (collectively, the "Project Partnerships"), that in turn, will engage in the ownership and operation of government-assisted apartment complexes, all purportedly in accordance with the purposes and criteria set forth in Investment Company Act Release 8465 (August 9, 1974) ("Release No. 8456").

Applicants state that the Partnership intends to offer 90 Units of Limited Partner Interest ("Units") at $60,000 per Unit in transactions exempted from the registration requirements of Section 5 of the Securities Act of 1933, as amended (the "Securities Act") and in compliance with Rule 506 of Regulation D under Section 4(2) of the Securities Act.

In support of their request for an exemption, Applicants represent that the Partnership will comply with all the conditions listed in Release No. 8456 and will otherwise operate in a manner designed to insure investor protection. Insofar as investor suitability is concerned, Applicants state that any subscriptions for units of limited partnership interests will be approved by the General Partner, which approval will be conditions upon representations as to suitability of the investment for each subscriber. The application indicates the form of subscription agreement for units of limited partnership interests provides that each subscriber represent, among other things, that (a) he is acquiring the Unit(s) for his own account as principal for investment only, and not with a view toward any resale or other disposition thereof; (b) he is able to bear the substantial economic risks of this investment; (c) without regard to this investment, he expects to have taxable income, a portion of which will be subject to Federal income tax of 42% in each of 1984 through 1990, which are years in which subsequent installments of capital contributions are required to be paid, and (d) meets the requirements of either (i) or both (ii) and (iii) below:

(i) He has an individual net worth or joint net worth with his spouse in excess of $1,000,000 or had an individual income in excess of $200,000 in the two most recent years and reasonably expects such income in the current year; or

(ii) He has a net worth in excess of $200,000 (exclusive of home, home furnishings and personal automobiles), for each unit purchased; and

(iii) He has, or he together with his purchaser representative(s) (as that term is defined in Rule 501(h) of Regulation D under Section 4(2) of the Securities Act) has, sufficient knowledge and experience in financial business, tax and real estate matters to evaluate the merits and risks of this investment.

Applicants submit that the Partnership Agreement contains numerous provisions designed to insure fair dealing by the General Partner with the limited partners. The General Partner believes the fee structure to be fair, normal and not excessive for transactions structured with the tax characteristics of an offering of this type and sold to investors meeting suitability standards such as those included with the offering.

Applicants further contend that the Partnership's exemption from the provisions, rules and regulations promulgated pursuant to the Act is both necessary and appropriate in the public interest. Applicants maintain that by investing in the Project Partnership interests, the Partnership is implementing the national policy enunciated by Congress in Section 901 of Title IX: "to encourage the widest possible participation by private enterprise in the provision of housing for low or moderate income families * * *."

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. 84-28189 Filed 10-24-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 23457; 70-7029]

Tennessee Natural Resources, Inc.; Proposed Acquisition of Utility Securities

October 19, 1984.

Tennessee Natural Resources, Inc., ("TNRI"), Riverview Building, 545 Mainstream Drive, Nashville, Tennessee 37228, a Tennessee corporation and an exempt holding company under Section 3(a)(1) of the Public Utility Holding Company Act of 1935 ("Act"), has proposed to this Commission, a transaction subject to sections 9(a)(2) and 10 of the Act.

TNRI is in the business of owning and providing management services for its two wholly owned subsidiaries, Nashville Gas Company ("NGC") and Mansfield Carbon Products, Inc. ("MCP"). NGC owns and operates a natural gas retail distribution system which serves approximately 67,000 customers in the Metropolitan Nashville area and nearby counties and is a "gas utility company" within the meaning of section 2(a)(4) of the Act. MCP is a non-utility business specializing in energy related technology and provides energy consulting and engineering services for commercial and municipal customers.

TNRI is proposing the acquisition of all of the outstanding shares of the common stock of Hartsville Gas Company ("HGC"), a Tennessee corporation. HGC owns and operates a retail gas distribution system which serves approximately 477 customers in Hartsville, Tennessee, an incorporated municipality located in Trousdale County, which is approximately 46 miles northeast of Nashville and is a "gas utility" for purposes of section 2(a)(4) of the Act.

Currently there are 360 shares of HGC's common stock outstanding at $100 par value. Under four separate agreements, TNRI has agreed to pay a total of $88,000 for this outstanding common stock. Howard Jones, who currently owns 50% of the outstanding common stock, in addition to being paid $58,000, will be provided certain other benefits. TNRI has agreed that: a) immediately after the closing, it will cause HGC to purchase from Mr. Jones for $50,000 a building owned by him and which HGC uses as its headquarters; b) it will retain Mr. Jones' son as a consultant for a period of three years for a fee of $700 per month; and c) within 60 days after the closing, it will obtain the release of Mr. Jones from his guaranty of certain HGC indebtedness.

TNRI has pursued and desires to consummate the acquisition because it believes that the proximity of HGC's service area to that of NGC, makes the acquisition a natural expansion of TNRI's activities. As part of the TNRI holding company system, HGC will enjoy new operational and financial advantages that will allow it to become a profitable asset of TNRI while continuing to provide efficient service to its customers. As a result of its affilation with TNRI, HGC will have more capital available to use to expand its facilities and customer base. In addition, the affiliation will result in a reduction of HGC's operating expenses as a result of elimination of duplicated management and other services.

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 12, 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 and/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. 84-28190 Filed 10-24-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21409; SR-Amex-84-27]

Self-Regulatory Organization; American Stock Exchange; Order Approving Proposed Rule Change

October 19, 1984.

The American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, NY 10006, submitted on September 4, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to modify its Oil and Gas Index ("XOI") by changing the index from a market weighted index to a price weighted index, and reducing the number of component stocks comprising the index from twenty-nine to fifteen.[1] The stocks comprising the revised index would include only the larger oil producing companies with the least diversification.[2] This change would make the index a purer oil index by deleting from the index those companies which engage in substantial gas exploration, production and drilling activities. The name of the revised index would also be changed to the Oil Index.[3]

Amex asserts that the smaller number of component stocks and the change to price weighting will aid those investors and traders wishing to hedge their options positions with a small group of component stocks. In addition, Amex believes the change to price weighting may reduce distortions in the index which have arisen in the past when special situations in the component stocks, such as mergers and acquisitions, have occurred. Finally, Amex contends the change to price weighting may reduce distortions that can otherwise arise in a market weighted index by substantially

[1] Amex submitted Amendment No. 1 to the rule proposal on September 20, 1984, noting the Board of Governors' approval of the proposed rule change.

[2] The proposed component stocks of the new Oil Index are: Amerada Hess, Atlantic Richfield, British Petroleum, Chevron, Exxon, Mobil, Occidental Petroleum, Philips Petroleum, Royal Dutch, Standard Oil of Indiana, Standard Oil of Ohio, Sun Company, Texaco, Texas Oil and Gas, and Unocal Corporation. (British Petroleum would be a new component stock to the index.) The stocks which Amex proposes to delete are: Apache Corporation, Diamond Shamrock, Imperial Oil, Ltd., Cl.A., Inexco Oil, Kerr McGee, Louisiana Land, Mesa Petroleum, Mitchell Energy, Noble Affiliates, Pennzoil, Pogo Producing, Sabine Corp., Shell Oil, Superior Oil, and Tosco Corporation.

[3] Amex intends to introduce the revised XOI to correspond with the expiration and roll-over of October XOI contracts. Amex may also delist outstanding April XOI series which have no open interest. Accordingly, after the October expiration, only the current January XOI series may remain outstanding. Amex also plans to list a full range of expiration months for the new Oil Index that would include November and December, 1984 and January April and July 1985 expirations.

reducing the impact of the highest weighted stocks in the index.

The Commission reviewed the revised XOI in light of Amex Rule 901C, which provides minimum standards for designation of stock index options. The Commission finds that the revised XOI is consistent with the standards contained in Rule 901C.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21321, September 13, 1984) and by publication in the **Federal Register** (49 FR 36721, September 19, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28187 Filed 10-24-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21411; SR-NASD-78-14]

Self-Regulatory Organization; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

October 19, 1984.

The National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, NW., Washington, D.C. 20006, submitted on September 25, 1978, and revised on May 14, 1979 and August 7, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder to amend Schedule D of the NASD By-Laws. The rule change requires members to report daily block-size transactions in NASDAQ securities, other than convertible debentures and NASDAQ/NMS securities, executed with persons other than registered NASDAQ market makers in those securities.

As noted above, the proposed rule change applies only to block-size nonmarket maker transactions; NASD rules already require market makers to report such transactions. NASD members would be required to report block trades by the end of the trading day. These reports will make the NASDAQ end of day volume data more comprehensive, and will assist the NASD in performing its market surveillance function.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 21285 (September 4, 1984), and by publication in the **Federal Register** (49 FR 35884, September 12, 1984). No comments were received with respect to the proposed rule change.

The Commission received one comment letter on the proposed rule change. The commentator expressed full support for the rule change and urged its adoption. The commentator also stated that the rule change would add necessary structure to the receipt and delivery systems of broker-dealers.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Divison of Market Regulation, pursuant to delegated authority.[1]

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28188 Filed 10-24-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Designation of Disaster Loan Area No. 6222]

South Carolina; Designation of Disaster Loan Area

Aiken, Allendale, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry, Jasper, Lexington, and Orangeberg Counties in the State of South Carolina constitute a disaster area because of the severe freeze which occurred in late December 1983 and January 1984 which resulted in a major kill of overwintering white shrimp in South Carolina coastal waters. The freeze is now resulting in extraordinarily low landing of shrimp. Eligible small businesses without credit elsewhere and small agricultural cooperatives without credit elsewhere may file applications for economic injury assistance until the close of business on July 18, 1985, at the address listed below:

Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., SW., Suite 822, Atlanta, Georgia 30303

or other locally announced locations. The interest rate for eligible small business applicants without credit elsewhere is 4% and 10.5% for eligible small agricultural cooperatives without credit elsewhere.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 18, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-28215 Filed 10-24-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0348]

BNP Venture Capital Corporation; Issuance of a Small Business Investment Company License

On August 2, 1984, a notice was published in the **Federal Register** (49 FR 31026) stating that an application has been filed by BNP Venture Capital Corporation, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)) for a license as a small business investment company.

Interested parties were given until close of business September 1, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-0348 on October 12, 1984, to BNP Venture Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-28212 Filed 10-24-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 08/08-0047]

Colorado Growth Capital, Inc.; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that Colorado Growth Capital, Inc. (Colorado Growth), 1600 Broadway, Suite 2180, Denver, Colorado 80202, 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

[1] 17 CFR 200.30-3(a)(12).

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 cited Regulation.

Subject to SBA approval, Colorado Growth proposes to provide funds to Molnar Industries of Boulder, Colorado for working capital use.

The proposed financing is brought within the purview of § 107.1004(b) of the Regulations because Mr. Paul A. Siegert is a member of the Board of Directors of Colorado Growth and Molnar Industries, Inc. and therefore Molnar Industries, Inc. is considered Associate of Colorado Growth 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 proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: October 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-28214 Filed 10-24-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0345]

FBS Small Business Investment Company, Limited Partnership; Issuance of a Small Business Investment Company License

On July 9, 1984, a notice was published in the **Federal Register** (49 FR 28006) stating that an application has been filed by FBS Small Business Investment Company, Limited Partnership, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)) for a license as a small business investment company.

Interested parties were given until close of business August 8, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-0345 on September 27, 1984, to FBS Small Business Investment Company, Limited Partnership to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator.

[FR Doc. 84-28213 Filed 10-24-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company, Inc. (Grocers), 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration (SBA) pursuant to § 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1984)) for approval of conflict of interest transactions.

Grocers proposes to loan $100,000 to Isla Vista Markets, Inc., 939 Embarcadero del Mar, Goleta, California 93017. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocers' stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to these companies falls within the purview of §§ 107.3 and 107.903(b)(5) of the SBA Regulations. These loans require prior written approval of SBA.

Notice is hereby given that any interested person may, not later than (15) 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. 20416.

A copy of this notice will be published in a newspaper of general circulation in the Goleta and Los Angeles, California area.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: October 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-28211 Filed 10-24-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/784]

Committee on Oceans and International Environmental and Scientific Affairs; Open Meeting

The Department of State's Advisory Committee on Oceans and International Environmental and Scientific Affairs will meet at 9:00 AM on Thursday, December 6, 1984, in Room 1105 of the Department of State, 22nd and C Streets, NW., Washington, D.C. This meeting, with a break for lunch, is expected to end at approximately 3:30 PM.

At the meeting, responsible officials of the Department of State, and members of the Advisory Committee, will discuss the following subjects:

—Seabed Mining Agreement
—Action Plan Report
—Ocean Waste Disposal
—Tuna, salmon interceptions, fishery allocations and status of Governing International Fishery Agreements (GIFAs)

While this meeting is to be open to the public, access to the Department of State building is controlled. All attendees must use the "C" Street entrance Entry will be facilitated if arrangements are made in advance of the meeting. Members of the public will be admitted to the limits of the meeting room's seating capacity and will be given the opportunity to participate in the discussions according to the instructions of the Chairman. It is therefore suggested that prior to the meeting persons who wish further information or who plan to attend should telephone Mr. Carl Clement or Ms. Dolores Fitch, of the Office of Science and Technology Support of the Department of State's Bureau of Oceans and International Environmental and Scientific affairs. They may be reached by telephone on (202) 632-2764.

Dated: October 15, 1984.

James L. Malone,

Chairman.

[FR Doc. 84-28207 Filed 10-24-84; 8:45 am]

BILLING CODE 4710-09-M

[CM-8/782]

Integrated Services Digital Network (ISDN) Joint Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Joint Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet November 20, 1984 in Room 1107, Department of State, 2201 C Street, N.W., Washington, D.C. The meeting will begin at 10:00 a.m.

The agenda for the meeting is as follows:

1. Report on the CCITT Plenary Assembly, Malaga-Torremolinos, Spain, October 8–19, 1984;
2. Consideration of contributions for the interregnum meetings of international CCITT Study Group XI/6 and the ISDN Group of Experts;
3. Other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore suggested that prior to the meeting, persons who plan to attend, so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 632–3405. All attendees must use the C Street entrance to the building.

Dated: October 4, 1984.

Richard E. Shrum,

Acting Director, Office of International Communications Policy.

[FR Doc. 84-28209 Filed 10-24-84; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/781]

Shipping Coordinating Committee; Two Meetings

The Shipping Coordinating Committee will conduct an open meeting on November 9, 1984, at 9:30 AM, in Room 6319, at U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

The purpose of the meeting is to review the results of the 52nd Session of the International Maritime Organization (IMO) Legal Committee, and to consider the U.S. position for the 53rd Session, to be held in London on December 10–14, 1984. At its 53rd Session, the Legal Committee will continue its work on the question of salvage, in particular the revision of the 1910 Convention on Salvage and Assistance at Sea, and related issues. Specifically, the Legal Committee will continue consideration of a draft Convention on Salvage which adopts an exception to the traditional principle of "no-cure, no-pay." The draft Convention provides for recovery by the salvor of expenses where the salvor has rendered assistance to a vessel which threatens damage to the environment, and recovery of enhanced awards where the salvor in rendering such assistance prevents or minimizes damage to the environment. The Committee will also address related proposals to amend the 1969 Intervention on the High Seas Convention.

In addition to its work on salvage, the Legal Committee will consider: (1) A report on developments in connection with maritime liens and mortgages; (2) the work program of the Legal Committee for 1985, including preliminary consideration of the proposals on the work program for the 1986/87 biennium and the Committee's long-term work program; and (3) matters arising from the 53rd Session of the IMO Council.

Members of the public may attend up to the seating capacity of the room.

For further information, contact Captain F.F. Burgess, Jr., U.S. Coast Guard (G–LMI), Washington, D.C. 20593. Telephone: (202) 426–1527.

Subcommittee on Safety of Life at Sea Working Group on Bulk Chemicals

The Working Group in Bulk Chemicals of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on November 14, 1984 at 10:00 AM, in Room 6319, at Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

The purpose of the meeting will be a general review of all agenda items for the fourteenth session of the International Maritime Organization (IMO) Subcommittee on Bulk Chemicals scheduled for December 3–7, 1984.

The agenda for this meeting includes the following items:

—Amendments to Annex II of the 1975 Marine Pollution Convention
—Extension of the Bulk Chemical Codes to Cover Marine Pollution
—Inert Gas Requirements for Chemical Tankers
—Standards for Preventing the Passage of Flame into Cargo Tanks.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Frits Wybenga, U.S. Coast Guard Headquarters (G–MTH–1/12), 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: (202) 426–1217.

Dated: October 9, 1984.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 84-28210 Filed 10-24-84; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/783]

Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on December 6, 1984 at 9:30 a.m., Conference Room B, 10th Floor, AT&T Building, 1120 20th Street, N.W., Washington, D.C.

The meeting will be concerned with optical fibers.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Earl Barbely, State Department, Washington, D.C. 20520; telephone (202) 632–3405.

Dated: October 12, 1984.

Richard E. Shrum,

Acting Director, Office of International Communications Policy.

[FR Doc. 84-28208 Filed 10-24-84; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; San Diego County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in San Diego County, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Cook, district Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2521.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of

Transportation, will prepare an environmental impact statement (EIS) on a proposal to widen the 4.1 mile segment of Interstate 5 (in the City of San Diego) from 0.7 miles south of the Interstate 5/805 interchange to Del Mar Heights Road. Potential project features include direct connector ramps and new local interchanges. A portion of the project, as presently conceived, would encroach upon the Los Penasquitos Lagoon wetlands and base floodplain. Construction of this project would help provide the capacity needed to meet project future demand along this stretch of Interstate 5. Alternatives for this project include: a continguous freeway (freeway within a freeway) alternative; a simplified construction alternative for widening Interstate 5; a transportation systems management (TSM) alternative; and, the "no build" option. A public information/scoping meeting is planned for November 1984 in San Diego to solicit input on this project. Scoping meetings will also be arranged with responsible/cooperating agencies and with special interest groups upon request.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: October 17, 1984.

Michael A. Cook,

District Engineer, Sacramento, California.

[FR Doc. 84-28182 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Itasca County, MN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that participation meetings will be held to provide input to the scoping process for an environmental impact statement regarding a highway project in Itasca County, Minnesota.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Lacy, District Engineer, Federal Highway Administration, Suite 490 Metro Square Building, St. Paul, Minnesota 55101, Telephone (612) 725-5953, or Mr. Russ Kauzlaric, MnDOT Project Manager, Minnesota Department of Transportation, 1123 Mesaba Avenue, Duluth, Minnesota 55811, Telephone (218) 723-4860.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Minnesota Department of Transportation, intends to prepare a draft Environmental Impact Statement (EIS) for a proposed highway construction project in Itasca County. The proposed project would consist of the construction of a 4-lane expressway along T.H. 169 between Grand Rapids and Pengilly, Minnesota, a distance of 18 miles. This project involves crossing the Prairie River and providing service for the communities of Grand Rapids, LaPrairie, Coleraine, Bovey, Marble and Calumet.

Alternatives being considered at this time include constructing a companion pair of lanes to the existing 2-lane facility, a 4-lane roadway on new alignment except for the segment between Bovey and Marble, and a bypass alternative around the cities of Bovey, Marble and Calumet. Some of these alternatives may be dropped from consideration or others added, as a result of the scoping process.

A scoping meeting is scheduled for 7:00 p.m. on November 13, 1984 at the Bovey City Hall to obtain comments from the public and other interested agencies concerning the EIS scoping process. Information has been sent to Federal, State and local agencies that may have an interest in the project to inform them of the proposed project and scoping meeting, as well as to solicit their comments and concerns.

To ensure that the full range of issues related to this project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed project and the EIS should be directed to the FHWA at the address provided above.

Issued on: October 18, 1984.

Alan J. Freisen,

Acting Division Administrator.

[FR Doc. 84-28184 Filed 10-24-84; 8:45 am]

BILLING CODE 4910-22-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held in Mexico City on November 26-28, 1984. The Commission will observe program activities of USIA's post in Mexico City and will consult with Ambassador John Gavin and senior public affairs officers from U.S. embassies in El Salvador, Brazil, Venezuela, Honduras and the East Caribbean region. The Commission will visit Televisa (the Mexican television network) and meet with its Director and senior staff members. The Commission will also meet with Mexican media, educational, and cultural leaders.

If you have any questions about this meeting, please call Gloria Kalamets, (202) 485-2468.

Dated: October 22, 1984.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84-28143 Filed 10-24-84; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 208
Thursday, October 25, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, October 30, 1984, 9:30 a.m. (Eastern Time).

PLACE: Clarence Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 84-7-FOIA-68-SE, concerning a request for documents from a Title VII charge file.
4. Freedom of Information Act Appeal No. 84-8-FOIA-101-SL, concerning a request for copies of the Commission's file in an ADEA case.
5. Freedom of Information Act Appeal No. 84-08-FOIA-163-CH, concerning a request for documents from an age charge file.
6. Freedom of Information Act Appeal No. 84-8-FOIA-189-CL, concerning a request for the contents of the charge file is an open age case.
7. Freedom of Information Act Appeal No. 84-9-FOIA-187-CL, concerning a request for documents from an open age charge file.

Closed

1. Litigation Authorization; General Counsel Recommendations.
2. Discussion of Litigation Worthy Review.
3. Proposed Commission Decisions: ORA Decisions and Guidance Decisions.
4. Proposed Subpoenas.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 634-6748 at all times for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued October 23, 1984.

October 23, 1984.

Treva I. McCall,

Executive Secretary to the Commission.

[FR Doc. 84-28345 Filed 10-23-84; 3:56 pm]

BILLING CODE 6750-06-M

2

FEDERAL ELECTION COMMISSION

DATE & TIME: Tuesday, October 30, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, litigation, audits, personnel.

* * * * *

DATE & TIME: Wednesday, October 31, 1984, 2:00 p.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

DATE & TIME: Thursday, November 1, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive presidential primary matching funds
Petition for rulemaking filed by the National Council of Farmer Cooperatives—11 CFR 114.1(e)
Finance Committee report
Routine administrative matters.

* * * * *

DATE & TIME: Thursday, November 1, 1984, 2:00 p.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

DATE & TIME: Friday, November 2, 1984, 2:00 p.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

DATE & TIME: Monday, November 5, 1984, 2:00 p.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[FR Doc. 84-28309 Filed 10-23-84; 2:27 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: October 26, 1984, 2:30 p.m.

PLACE: 1776 G Street, NW., Washington D.C., Conference Room C, Eighth Floor.

STATUS: Open/Closed.

CONTACT PERSON FOR MORE INFORMATION: Alan B. Hausman, 1776 G Street, NW., P.O. Box 37248, Washington, D.C. 200013, (202) 789-4763.

MATTERS TO BE CONSIDERED:

Open: Graduated Payment Mortgages (GPMs)
Closed: Minutes of June 7, 1984, Board of Directors' Meeting
Closed: President's Report
Closed: Financial Report

Date sent to **Federal Register:** October 22, 1984.

Maud Mater,

Secretary.

[FR Doc. 84-28259 Filed 10-22-84; 4:38 pm]

BILLING CODE 6720-02-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—November 1, 1984.

PLACE: Hearing Room One—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public.

1. Docket No. 84–24: Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States—Consideration of comments.
2. Docket No. 84–21: Publising and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States—Service Contracts and Time/Volume Contracts—Consideration of comments.

Portion Closed to the public:

1. Agreement No. 207–010618: Establishment of Stolt Tanker Limited Agreement.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84–28321 Filed 10–23–84; 3:06 pm]

BILLING CODE 6730–01–M

federal register

Thursday
October 25, 1984

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Ch. I

Petition for Rulemaking; Air Transportation Association

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-84-12]

Petition for Rulemaking; Air Transport Association (ATA)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for rulemaking.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a verbatim copy of an ATA petition for rulemaking. The ATA proposes that the FAA adopt an administrative review mechanism and require certificated airports to submit all proposed airport use restrictions to the FAA for review before implementation. Under the proposal, the FAA would publish them in the **Federal Register** and, if necessary, temporarily suspend the proposed restrictions in order to call a public hearing to receive comments from interested persons. The FAA would then make a determination as to the lawfulness of the restrictions.

DATES: Comments on the petition must identify the petition docket number 24246 and be received on or before: December 24, 1984.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 21569, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

FOR FURTHER INFORMATION CONTACT: John H. Canady, 426-3073.

SUPPLEMENTARY INFORMATION:

Additional Information

The petitioner has provided the following information to support its proposal:

The ATA is concerned that the efficiency of the National Air Transportation System and the procompetitive goals of the Airline Deregulation Act of 1978 are threatened by the proliferation of airport use restrictions. It urges the FAA to: (1) issue promptly a policy statement to announce that the FAA will bring legal action to invalidate any such restriction; and (2) require all such restrictions to be filed with FAA for administrative review before implementation.

The ATA notes that airports have proposed or implemented a variety of restrictions (curfews, bans on jet aircraft, etc.). It finds that legal challenges have resulted in many court decisions, providing, it believes, little in the way of uniform standards. The ATA contends that pragmatic accommodations by the FAA have resulted in limited service and increasing costs. The ATA believes that Aviation Safety and Noise Abatement Act of 1979 has been totally inadequate in combatting what it considers to be the serious disruptions to the National Air Transportation System, because it finds that only a handful of airports have shown an interest in submitting programs for FAA approval. It also asserts that airports have ignored assurances under the airport aid program intended to preclude unjust discrimination.

The ATA proposes that the FAA issue a policy statement to alert all federally certificated airports that the FAA intends to take aggressive action to invalidate any restriction which would: (1) be inconsistent with specific constitutional and statutory requirements specified in the statement (eg. an undue burden on interstate or foreign commerce, unjust discrimination, or an intrusion on any area preempted by Congress) or (2) create economic burdens greater than the environmental benefits. In the statement, the ATA proposes, the FAA should commit itself to initiate litigation promptly, review thoroughly any offending airport's grant assurances, and evaluate, where warrated, the effect of the airport's action on its federal certification. The ATA believes that the statement would deter new restrictions that have historically resulted from a misunderstanding of the limitations of federal law on local action.

Coupled with the policy statement, the ATA proposes that the FAA adopt an administrative review mechanism and require certificated airports to submit proposed airport use restrictions to the FAA. A determination by the FAA as to the lawfulness of the restrictions would follow publication of the restrictions and the receipt of public comment. The ATA believes that this would result in a body of clear and uniform decisions from a single federal forum. Under its proposal, if the restrictions did not appear to the FAA to be lawful, the FAA would be committed by its policy statement to take the legal action.

Petitions for Rulemaking are required to be published in the **Federal Register** by 14 CFR 11.27. At the request of ATA the document being published is the verbatim copy of the text of the petition submitted by petitioner, except for Appendix A, a copy of which is contained in the public docket.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on October 22, 1984.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Before the Federal Aviation Administration, Washington, D.C. In re: Restrictions on Use of Federally Certificated Airports Docket No. 24246. September 14, 1984. Communications with respect to this document should be addressed to:

David R. Murchison, Assistant General Counsel—Government Affairs

Barney C. Parrella, Manager—Airport Policy and Administration, Air Transport Association of America, 1709 New York Avenue, NW., Washington, D.C. 20006.

Petition for the Issuance of a Policy Statement and for the Initiation of a Rulemaking Proceeding

I. Introduction

The efficient functioning of the national air transportation system and the achievement of the pro-competitive goals of the Airline Deregulation Act of 1978 are being threatened by the proliferation of proposed and implemented use restrictions at federally certificated airports. These unilaterally developed, uncoordinated constraints take many forms—from arbitrary limitations on the number of commercial operations, to discriminatory treatment based on markets served, to unwarranted noise and environmental constraints—but they have become the predicted "dagger pointed at the heart of commerce."[1] The traditional, *ad hoc*, reactive approach of the Federal Aviation Administration to the examination of such restrictions is clearly inadequate in the face of the burgeoning problem.

Accordingly, the Air Transport Association of America (ATA), on behalf of its member airlines, petitions FAA to take two essential actions. First, FAA should issue, within 30 days, a

[1] *British Airways Bd. v. Port Authority of New York*, 558 F. 2d 75, 83 (2d Cir. 1977).

formal statement of policy announcing its intention to bring legal action to invalidate any current or future use restriction which would:

(a) Be inconsistent with maintaining the highest degree of safety in air commerce and air transportation; or

(b) Be inconsistent with maintaining the efficient utilization of the navigable airspace; or

(c) Create an undue burden on interstate or foreign commerce, or interfere unduly with the national air transportation system; or

(d) Prevent arbitrarily or unreasonably the use of available airport facilities; or

(e) Be unjustly discriminatory; or

(f) Conflict with a federal statute or regulation or intrude into a field Congress has intended to occupy; or

(g) Create economic burdens for airport users which are disproportionately high when compared with the anticipated environmental improvement.

Second, FAA should also issue, within 60 days, a notice of proposed rulemaking which would announce the agency's intention to establish an administrative mechanism for reviewing current or future use restrictions and determining whether such restrictions are consistent with the standards of the aforementioned policy statement.

II. Background and Scope of the Problem

In 1979, the airline industry was faced with a rapidly growing number of noise-related airport use restrictions. Airport proprietors had proposed or implemented a wide variety of constraints, including curfews, bans on the use of jet powered aircraft, limits on the numbers of operations permitted, unwarranted runway use restrictions, and arbitrary takeoff and landing procedures.[2] Legal challenges to the restrictions had resulted in a potpourri of decisions [3] across the land issued by courts which had widely varying degrees of understanding of the national air transportation system and the basic functioning of the commercial aviation business. Needless to say, the decisions reflected those differences in understanding, and did little to bring about uniform standards for evaluating the propriety of airport noise restrictions.

At the same time, some restrictions were not challenged in the courts, but became the objects of informal discussions between the airports, FAA, and/or the airport users. Pragmatic accommodations were reached, but at the cost of limiting service to the traveling and shipping public, and increasing costs for the airline industry.

To seek uniformity for the national air transportation system and to end the uncoordinated and sometimes conflicting court decisions and private arrangements, ATA filed a Petition for Rulemaking which asked FAA to establish "a regulatory procedure under which any airport proprietor desiring to implement a noise abatement plan, that would restrict aircraft operations in interstate or foreign air transportation, would not be able to implement that plan without submitting it to the FAA at least 90 days in advance of proposed effectiveness." [4] Following a hearing in which any interested party could participate, FAA, under the ATA proposal, would have approved or disapproved the plan based on a prescribed set of standards.

The goal of this process was to establish a single federal forum for evaluating noise-related restrictions. The forum would have had the advantages of a consistently high level of subject matter expertise and a set of publicly known and uniform decision making standards. It would have brought the degree of uniformity necessary for the efficient functioning of the national air transportation system. ATA warned that if its proposal were rejected, the damaging, uncoordinated use restrictions would proliferate.

While the ATA petition was pending, Congress enacted the Aviation Safety and Noise Abatement Act of 1979, Pub. L. 96–193. That statute required the Secretary of Transportation to issue a regulation establishing a single system for measuring noise at airports and the areas surrounding airports and for determining the exposure of individuals to noise resulting from airport operations. The Secretary was also required to identify compatible land uses. The statute also permitted airport operators to submit voluntarily to the Secretary noise exposure maps and noise compatibility programs for his approval. FAA responded to that statutory directive, the ATA proposal, and a separate proposal filed by the Environmental Protection Agency, by issuing Interim Part 150.

That regulation set up a voluntary program for airport operators to submit for agency approval noise exposure maps and noise compatibility programs. Regrettably, it has been a totally inadequate mechanism for combatting the serious disruptions to the national air transportation system caused by local noise abatement programs. Indeed, while FAA specifically urged 60 major airports to submit maps and programs during the first year of regulation, none did. Three years later, a mere handful has shown any interest whatsoever. As a result, damaging noise-related and other airport use restrictions have multiplied. An illustrative list of such restrictions was assembled by participants in the Airport Access Task Force [5] which presented its report to Congress in March of 1983. Two compilations from that report are attached as Exhibit A. A few typical examples follow:

Curfews have been implemented, for example, at Clearwater Airport, Fl., Moose Creek, Id., Ruidoso, N.M., Republic Airport, N.Y., Westchester County, N.Y., and a number of California airports, including Burbank, Long Beach, Orange County, and San Jose. Litigation was necessary to invalidate those at Republic and Westchester. *Bans* on the use of certain aircraft have been imposed, for example, at Santa Monica and Torrance, California, again necessitating litigation. *A combination of partial curfews and bans* has been tried at Boston's Logan Airport where FAR 36 Stage 1 Aircraft were forbidden to take off between 9:30 p.m. and 7:00 a.m., and forbidden to land between 10:30 p.m. and 7:00 a.m. Los Angeles International (LAX) has required that landings between midnight and 6:30 a.m. be made on Runways 7L or 6R only. Burbank, California has attempted to require new entrants to use only FAR 36 stage 3 aircraft, and incumbents to operate a specific percentage of their total operations at the airport with FAR 36 stage 3 aircraft.

Noise abatement tracks have been prescribed at such airports as Newark and LAX. Preferential runways are assigned, for example, at Chicago's O'Hare, LAX, and Dallas-Fort Worth. Indeed, nearly all of the 50 largest passenger volume airports have restrictions requiring air carrier aircraft to use noise preferential runways and/or noise abatement tracks for arrivals, departures, or both.[6]

[2] See Petition for Rulemaking of the Air Transport Association, dated January 16, 1979, reprinted at 44 FR 52076 (September 6, 1979)

[3] Id.

[4] See letter of Paul R. Ignatius to Langhorne M. Bond dated January 16, 1979 at 3.

[5] The genesis of the Task Force was Pub. L. 97–248 wherein Congress directed the Secretary of Transportation to appoint an Airport Access Task Force to study the problem of allocating the use of scarce airport facilities and airspace.

[6] See Report and Recommendations of the Airport Access Task Force at 23 (March 10, 1983).

At the same time, new kinds of restrictions, not directly related to noise, have come to the fore. Westchester County Airport, for example, has announced its intention to restrict the growth of commercial aviation at its facility so as to maintain the "historical-mix" of general aviation and commercial aviation activity. Long Island MacArthur Airport has proposed to allocate its facilities on the basis of such considerations as "type of aircraft * * *, destination cities for non-stop or one-stop flights * * *, time of arrival and departure * * *" [7] John Wayne Airport, California, imposed a slot system and a perimeter rule which resulted in litigation. LAX and Ontario, California, have imposed caps on the number of passengers per year. At least twenty airports have prohibited training flights. The list goes on and on.

III. Impact of Airport Use Restrictions

What has been the effect of these and other restrictions? In its report to Congress, the Airport Access Task Force made the following finding:

> Use restrictions at any single airport affect the system to the extent its link with the national system and access to upline and downline airports is impaired. The magnitude of the impact on the system increases with the scope of restrictions at a given airport, the availability of alternative airports in the area, the role of that airport in the national system, and the number of airports imposing restrictions. *Current restrictions significantly impact the system by preventing deployment of some aircraft at various airports during certain hours, by requiring inefficient flight procedures, by constraining development of markets, by impeding the development of connecting schedules, and by increasing the costs of operators' maintenance and training activities.*[8]

Not only, then, do these use restrictions impede the efficient functioning of the national air transportation system, but they also prevent achievement of the pro-competitive goals of the Airline Deregulation Act of 1978. In that statute, Congress set the national policy for air transportation and emphasized the need for "maximum reliance on competitive market forces and on actual and potential competition * * * to provide the needed air transportation system." [9] It called for the "encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services." [10] It stressed the importance of encouraging "entry into air transportation markets by new air carriers [and] the encouragement of entry into additional air transportation markets by existing air carriers * * *" [11]

To ensure that these goals would not be thwarted by locally developed and imposed constraints, Congress specifically prohibited states and their political subdivisions from enacting or enforcing any "law, rule, regulation, standard, or other provision * * * relating to rates, routes, and services of any air carrier." [12] And with respect to airports in particular, Congress in the Airport and Airway Improvement Act of 1982 (AIP) unequivocally ordered that:

> *all* airport and airway programs should be administered in a manner consistent with the provisions of sections *102* and 103 of the Federal Aviation Act of 1958, with due regard for the goals expressed therein *of fostering competition* * * *.[13]

Clearly, the proliferation of airport use restrictions is thwarting these goals. When a federally certificated airport announces its intention to prevent growth in commercial aviation activity by adopting policies to maintain the "historic mix" of general aviation and commercial aviation activity, or to condition use of the airport on the basis of markets to be served, that local airport, not competitive market forces, is determining what air transportation services will be provided in its market. That local airport is hindering entry into markets by new entrants and existing carriers alike. That local airport is ignoring its written assurances, required under AIP, that it "will be available for public use on fair and reasonable terms and without unjust discrimination." [14] The plethora of other restrictions, proposed or implemented, which arbitrarily or unreasonably restrict the use of federally certificated airports similarly run afoul of the federal statutes or impose a constitutionally impermissible burden on interstate or foreign commerce.

Some observers may say that litigation alone is sufficient to invalidate the growing patchwork of restrictions, or that private accommodations worked out among the airports, FAA, and the users can alleviate the problems. The fact is, however, that those "solutions" have resulted in (a) a patchwork of contradictory and/or exceedingly complex court decisions, which provide little, if any, guidance and (b) a series of local accommodations which offer no uniform standards for a national air transportation system.

A Proposed Solution

FAA must take two actions promptly. First, it must alert all federally certificated airports that it intends to take aggressive action to invalidate any current or proposed use restriction which would:

(a) Be inconsistent with maintaining the highest degree of safety in air commerce and air transportation; or

(b) Be inconsistent with maintaining the efficient utilization of the navigable airspace; or

(c) Create an undue burden on interstate or foreign commerce, or interfere unduly with the national air transportation system; or

(d) Prevent arbitrarily or unreasonably the use of available airport facilities; or

(e) Be unjustly discriminatory; or

(f) Conflict with a federal statute or regulation or intrude into a field Congress has intended to occupy; or

(g) Create economic burdens for airport users which are greater than the benefits of the anticipated environmental improvement.

FAA would specifically commit itself to initiate litigation promptly, to review thoroughly the offending airport's AIP assurances, and to evaluate, where warranted, the effect of the airport's action on its federal certification.

In essence, this statement of policy would clarify and emphasize the breadth of the agency's jurisdiction, and would set a needed and agressive new tone reflecting the agency's recognition of its serious responsibilities under federal statutes. It would serve to deter the proposal and implementation of new restrictions which, if they followed the historical pattern, were developed without a proper understanding of the limitations federal law places upon local action. The policy statement would, of course, acknowledge that airport proprietors do have legitimate powers, such as the right to acquire aviation easements and to establish compatible land use programs.

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[7] Letter from Alfred E. Werner, Commissioner and Airport Manager, Town of Islip Department of Aviation and Transportation, to Donald Martin, Senior Vice President, Eastern Airlines, dated June 7, 1984, and attachments thereto.

[8] See Report and Recommendations of the Airport Access Task Force at 23 (March 10, 1983) (emphasis added).

[9] 49 U.S.C. Sec. 1302(a)(4).

[10] 49 U.S.C. Sec. 1302(a)(9).

[11] 49 U.S.C. Sec. 1302(a)(104).

[12] 49 U.S.C. Sec. 1305(a).

[13] 49 U.S.C. Sec 2201(a)(5) (emphasis added).

[14] 49 U.S. Sec. 2210(a)(1). The airport also is prohibited from providing "exclusive right for the use of any landing area or air navigation facility upon which federal funds have been expended." 49 U.S.C. Sec. 1349(a).

But the issuance of a policy statement is not enough. What is needed is a single, public, decisionmaking forum run by the federal agency with the continuing responsibility and highest degree of subject matter familiarity. That forum would examine all airport use restrictions and would determine whether each was free of the same unlawful attributes set forth in the policy statement. That single forum would be expected to bring to the airport noise and access area coherent and uniform standards which would enhance the efficient operation of the national air transportation system and provide clear guidance on permissible and impermissible policies.

The forum would differ somewhat from that proposed by ATA in 1979. FAA would not approve or disapprove the use restriction. It would determine whether the restriction conformed to a set of standards and would issue a decision setting forth in detail its findings of act and conclusions of law. If the restriction did not conform, FAA would initiate action in accordance with the aforementioned policy statement.

A proposed administrative mechanism is attached as Exhibit B. It would require federally certificated airport operators to submit all proposed use restrictions of FAA 90 days before their effective date.[15] The proposed restrictions would be accompanied by a comprehensive justification for, and explanation of, the use restriction. A copy of the restriction would be published in the **Federal Register** within 20 days of receipt, and FAA would examine the restrictions in light of the same standards set forth in the aforementioned policy statement. Those standards would also be embodied in the regulation. The Administrator of FAA would be empowered to suspend the effectiveness of the restriction for 90 days beyond its original effective date, and, under certain circumstances, for 180 days beyond its original effective date.

If the Administrator were to determine that a proposed or effective use restriction should be suspended, he would institute a hearing for the purpose of considering evidence which any interested person could present. Not later than 60 days from the conclusion of the hearing,[16] the Administrator or his appointee would issue a decision stating whether the airport use restriction met the regulation's standards.

The administrative mechanism, then, would not prevent an airport operator from devising any use restriction he deemed appropriate. FAA would not formally approve or disapprove any restriction. It would, however, clearly explain its expert view on whether the restriction was consistent with federal and constitutional law. And, if the restriction did not appear to be so, the actions FAA committed to take in its policy statement would be initiated. A growing body of written decisions would emerge from a single federal forum to bring guidance, clarity, and order to the use restriction area.

V. Legal Authority

Under the Federal Aviation Act of 1958, as amended,[17] the Administrator is "empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad."[18] In exercising his powers, he "*shall* give full consideration to the requirements of * * * commercial and general aviation, and to the public right of freedom of transit through the navigable airspace."[19] In controlling the use of the navigable airspace, he is to regulate civil and military operations "in such airspace in the interest of the safety and efficiency of both."[20]

He is also empowered to "formulate policy with respect to the orderly development * * * of landing areas, Federal airways * * * and all other aids and facilities for air navigation, as will best meet the needs of, and serve the interest of civil aeronautics * * *."[21]

In addition to these broad powers which would, in themselves, authorize the issuance of the aforementioned policy statement and administrative review mechanism, additional powers are found in the AIP. There, Congress insisted that federal action be taken to ensure that the "Nation's airport and airway system * * * meet the current and projected growth of aviation and the requirements of interstate commerce, the Postal Service, and the national defense."[22] Federal airport programs are to be administered so to provide "adequate * * * airport facilities, including reliever airports * * *, for points where scheduled commercial service is provided."[23] Moreover, as noted above, "all airport and airway programs should be administered in a manner consistent with the provisions of section 102 and 103 of the Federal Aviation Act of 1958, with due regard for the goals expressed therein of fostering competition * * *."[24] FAA is also empowered to demand assurances from airport operators that the airport "will be available for public use on fair and reasonable terms without unjust discrimination;"[25] that "there will be no exclusive right for the use of the airport by any person providing * * * aeronautical services to the public * * *;[26] and that "the airport * * * will be suitably operated and maintained * * *."[27] And, of course, FAA is empowered to issue, deny, and revoke airport operating certificates.[28]

When the foregoing powers are joined with FAA's pervasive noise control responsibilities,[29] it is beyond doubt that the policy statement can be issued and the administrative mechanism adopted.

VI. Liability

In the past, the federal government has been reluctant to take a more aggressive regulatory role in combating locally imposed airport noise restrictions. A principal reason has been the federal government's view that if it were to approve or disapprove airport noise restrictions, it would become liable for damages arising from noise related litigation.[30]

ATA's proposed administrative mechanism is designed to remove that concern. After participating in the FAA proceeding, the airport proprietor is free to implement or not implement the restriction no matter what decision the FAA has reached. The proprietor will simply be informed, as the entire public will be informed, of the agency's expert view of the lawfulness of the restriction. Indeed, in that way the proposed formal mechanism has similarities to the informal "advice" process FAA now

[15] Existing use restrictions would also be subject to review.

[16] In cases where a hearing was not convened, the Administrator or his appointee would be required to issue a decision not later than 60 days from the conclusion of his examination of a restriction.

[17] Under section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c), many of the functions of the Secretary of Transportation are transferred to the Administrator of FAA.

[18] 49 U.S.C. § 1346.

[19] 49 U.S.C. § 1347 (emphasis added).

[20] 49 U.S.C. § 1303. Similar authority is provided in 49 U.S.C. § 1348.

[21] 49 U.S.C. § 1353.

[22] 49 U.S.C. § 2201(a)(2).

[23] 49 U.S.C. § 2201(a)(3).

[24] 49 U.S.C. § 2201(a)(5).

[25] 49 U.S.C. § 2210(a)(1).

[26] 49 U.S.C. § 2210(a)(2).

[27] 49 U.S.C. § 2210(a)(3).

[28] 49 U.S.C. § 1432.

[29] See 39 U.S.C. 1431; Pub. L. 96-193; *City of Burbank* v. *Lockheed Air Terminal, Inc.*, 411 U.S. 624 (1973); *British Airways Bd* v. *Port Authority of New York*, 558 F.2d 75 (2d Cir. 1977).

[30] See Report and Recommendations of the Airport Access Task Force, supra, at 36-37.

utilizes. The vast improvements over that "advice" process that would come from implementing the ATA mechnism are not of the nature which could tag the federal government with liability. As the Supreme Court emphasized in its decision that the airport proprietor must assume liability:

> [The airport] decided * * * where the airport would be built, what runways it would need, their direction and length, and what land and navigation easements would be needed * * *.[31]

Simply requiring a proprietor to submit its proposed restriction to the federal government for analysis, permitting the taxpayers to express their views on the restriction, and declaring promptly whether the restriction conforms to federal policy are hardly actions which would thrust FAA into responsibility for noise damages.

VII. Conclusion

The efficient functioning of the national air transportation system and the achievement of the procompetitive goals of the Airline Deregulation Act of 1978 are being threatened by the proliferation of proposed and implemented use restrictions at federally certificated airports. FAA must act promptly and decisively to combat the burgeoning problem. It should issue a policy statement within 30 days which would state clearly that legal action will be brought to invalidate any use restriction which would violate a detailed set of policy standards. It should then issue a Notice of Proposed Rulemaking announcing its intention to require all proposed airport use restrictions to be filed with FAA for a full administrative review prior to implementation.

Respectfully submitted,

Air Transport Association of America.

By David R. Murchison,

Assistant General Counsel Government Affairs.

By Barney C. Parrella,

Manager—Airport Policy and Administration.

EXHIBIT B—DRAFT

Part 160—Airport Use Restrictions

§ 160.1 Applicability and definitions.

(a) The provisions of this part apply to each airport holding an operating certificate issued under Part 139 of this Title.

(b) This part prescribes rules and procedures under which airport use restrictions will be submitted to and considered by the Administrator.

(c) As used in this part:

(1) "Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

(2) "Airport Use Restriction" means any action taken by an airport proprietor by means of a rule, regulation of other enactment which limits the availability of the airport for, or which imposes any restriction on, aircraft operations (to, from or at any airport) that are in air transportation or air commerce, as defined in Title I of the Federal Aviation Act of 1958, as amended, or which affects the management or safe and efficient use of navigable airspace, or which is inconsistent with federal law. Mechanisms for the allocation of access to an airport are included within this definition.

(3) "Airport Proprietor" means the Board, Department, Commission, Port Authority or other person (including a State if the airport proprietor is a political subdivision of a State) that Owns, operates or otherwise exercises direct supervision over, and responsibility for, the management of an airport.

(4) "Person" means any individual, firm, co-partnership, corporation, company, association or body politic.

(5) "Effective Use Restriction" means any airport use restriction in effect on the effective date of this part or which becomes effective pursuant to § 160.7.

§ 160.3 General requirements.

After the effective date of this part, no airport proprietor may adopt and enforce an airport use restriction, or revise any effective use restriction, without filing a copy of the proposed use restriction, or revision, with the Administrator at least ninety (90) days before the effective date of the proposed use restriction or revision.

§ 160.5 Contents of use restriction filed with Administrator.

(a) Each airport use restriction, or revision of an effective use restriction, filed under this part shall contain the following:

(1) A statement of the legal authority pursuant to which the proposed use restriction or revision of an effective use restriction is to be promulgated, and a verification that all procedural legal and administrative requirements for such promulgation have been met;

(2) The reason or reasons for which the airport proprietor believes the proposed use restriction or revision is required;

(3) A copy of the use restriction;

(4) The effective date and anticipated duration of the proposed use restriction or revision;

(5) A complete description of the use restriction's proposed method for restricting aircraft operations at the subject airport and establishing that the use restriction will:

(i) Be consistent with maintaining the highest degree of safety in air commerce and air transportation in the public interest;

(ii) Be consistent with maintaining the efficient utilization of the navigable airspace;

(iii) Not create an undue burden on interstate or foreign commerce, or interfere unduly with the national air transport system;

(iv) Not arbitrarily or unreasonably prevent the use of available airport facilities;

(v) Not be unjustly discriminatory; or

(vi) Not conflict with a Federal statute or regulation or intrude into a field which Congress intended to occupy;

(vii) Not create economic burdens for airport users which are greater than the benefits of the anticipated environmental approval.

(6) An explanation of how the proposed use restriction(s) will reduce or prevent additional incompatible land uses;

(7) A description of alternative use restrictions considered and the comparative impacts;

(8) Estimated economic benefit to surrounding communities and other parties and economic disbenefits to airport users and other parties, that will result from implementation of the use restriction;

(9) A description of other use restriction initiatives in effect at the airport.

(10) A certification that consultations concerning the proposed restriction have been undertaken with State and local authorities, airport users, Federal agencies and the general public, and a description of those consultations and their results, including a copy of comments submitted by these parties to the airport proprietor.

(b) Any use restriction or revision filed which does not meet the procedural or administrative requirements of this section may be dismissed, without hearing, by the Administrator.

(c) Each use restriction, revision or any other document filed under this section shall be submitted in duplicate to the Federal Aviation Administration, Washington, D.C. 20591.

(d) Within twenty (20) days of receipt, the Administrator shall give notice to

[31] *Griggs* v. *County of Allegheny*, 369 U.S. 84, 89 (1962).

the public regarding the filing of a proposed airport use restriction, or revision of an effective use restriction, by publishing a copy of the proposed use restriction or revision in the **Federal Register.**

§ 160.7 Suspension of proposed use restrictions.

(a) Whenever any airport proprietor files a proposed airport use restriction, or revision of an effective use restriction, with the Administrator, the use restriction or revision will become effective on the date set forth therein unless the Administrator, at any time prior to the effective date of the use restriction or revision, upon complaint or his own initiative, suspends the operation of the use restriction or revision and institutes a proceeding for the purpose of determining whether the use restriction or revision conforms to the standards prescribed herein.

(b) Pending the hearing and decision thereon, the Administrator may, upon giving the Notice required by § 160.17, suspend the operation of the proposed use restriction or revision for a period of ninety (90) days beyond its effective date. If the proceeding has not been concluded and a final decision made within such a period, the Administrator may from time to time extend the period of suspension, but not for a period longer than one hundred eighty (180) days beyond the time such proposed use restriction or revision would otherwise become effective.

(c) If the proceeding has not been concluded and a final decision made within the period of the suspension, the proposed use restriction or revision shall go into effect at the end of such period.

§ 160.9 Investigations of effective use restrictions.

With respect to each airport use restriction in effect at the time this Part becomes effective, or which becomes effective thereafter, the Administrator may, at any time, upon his own initiative or upon complaint in writing by any person, by notice in the **Federal Register,** institute a proceeding to determine whether such use restriction conforms to the standards prescribed in this regulation.

§ 160.11 Standards applicable to Airport use restrictions.

In exercising and performing his powers and duties with respect to reviewing and investigating proposed or effective airport use restrictions, the Administrator shall determine whether each use restriction, either individually, or cumulatively in combination with other proposed or effective use restrictions at the same or other airports, conforms to the following standards:

The use restriction must not:

(a) Be inconsistent with maintaining the highest degree of safety in air commerce and air transportation in the public interest; or

(b) Be inconsistent with maintaining the efficient utilization of the navigable airspace; or

(c) Create an undue burden on interstate or foreign commerce, or interfere unduly with the national air transport system; or

(d) Prevent arbitrarily or unreasonably the use of available airport facilities; or

(e) Be unjustly discriminatory; or

(f) Conflict with a Federal statute or regulation or intrude into a field which Congress intended to occupy; or

(g) Create economic burdens for airport users which are greater than the benefits of the anticipated environmental improvement.

§ 160.13 Filing and service of complaints.

(a) Any person may file a complaint and request for hearing with the Administrator against any proposed or effective airport use restriction or restrictions. The complaint shall set forth fully the basis upon which the complainant believes the airport use restriction does not conform to the standards prescribed herein.

(b) A copy of the complaint filed with the Administrator shall be simultaneously served by the complainant upon:

(1) Each air carrier authorized by the Civil Aeronautics Board or its successor, or holding other appropriate authority to render regular or charter service to the airport(s) identified in the complaint.

(2) The airport proprietor of each airport against whose use restriction the complaint is filed.

(c) The Administrator may, in his discretion, order additional service to be made on such person or persons as the facts of the situation warrant.

(d) Service shall be made by mailing a copy of the complaint, postage prepaid, to all persons required to be served under this section.

(e) A complaint requesting an investigation of an effective use restriction may be filed at any time.

§ 160.15 Answer.

(a) Any interested person may file an answer in support of or in opposition to the complaint within ten (10) days after the complaint is served.

(b) Any interested person includes those described in § 160.13(b) and any other served with a copy of the complaint.

(c) Answers will be served upon the complainant and those served with a copy of the complaint.

§ 160.17 Notice and hearing.

(a) If the Administrator, upon complaint or his own initiative, determines that a proposed use restriction, or revision of an effective use restriction, should be suspended and investigated, or an effective use restriction investigated, he shall deliver a written statement to the airport proprietor or proprietors affected thereby, and shall publish a notice in the **Federal Register** instituting a proceeding to determine whether the use restriction or revision conforms to the standards prescribed herein, and providing the opportunity for comment by interested persons.

(b) If the Administrator determines that a hearing is necessary or appropriate to fully investigate an airport use restriction, he shall appoint a qualified hearing officer.

(c) Any person, including any State or subdivision thereof, State aviation commission or other public body, may appear at any hearing and present any evidence which is relevant to the issues designated by the hearing officer.

(d) A written transcript of all oral statements made at the hearing will be prepared by a certified reporter. Copies of the transcript, statements of position and all other documentary material presented at the hearing will be made available to interested persons and the public, upon payment of applicable reproduction costs to the reporting firm.

§ 160.19 Administrator's decision; service thereof.

(a) Not later than sixty (60) days following the institution of a non-hearing investigation, or sixty (60) days following the conclusion fo the hearing in a hearing investigation, the Administrator or his hearing officer, as applicable, shall issue a formal written decision stating whether the airport use restriction under review conforms to the standards prescribed in § 160.11 of these regulations. Whether the finding be positive or negative, the decision shall set forth, in detail, the specific findings of fact and conclusions of law upon which the decision is based.

(b) Such decision shall be published in the **Federal Register** and shall be served upon all parties to the proceeding.

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Part III

Department of Housing and Urban Development

Office of the Secretary

Public Housing Homeownership Demonstration; Notice of Fund Availability and Solicitation of Applications

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-84-1434; FR-2029]

Public Housing Homeownership Demonstration

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of fund availability and solicitation of applications.

SUMMARY: HUD is soliciting applications from Public Housing Agencies (PHAs) and Indian Housing Agencies (IHAs) (hereafter inclusive in the term PHA) in consort with units of general local governments and public and Indian housing tenant groups and associations to participate in a Public Housing Homeownership Demonstration. The Department is interested in encouraging the development of local programs to sell public housing units to lower income public housing tenants. This demonstration, which involves the resources of several offices within the Department of Housing and Urban Development, will be coordinated by the Office of the Assistant Secretary for Policy Development and Research.

DATES: Application Deadline: Applications for participation must be received by HUD on January 15, 1985. Comment due date: December 24, 1984. See **SUPPLEMENTARY INFORMATION** for additional information and details.

ADDRESSES: Copies of the application should be sent as follows: an original and two copies (including a Request for Grant Applications, if appropriate) to: Department of Housing and Urban Development, Attention: Public Housing Homeownership Demonstration, Room 8132, 451 Seventh Street, SW., Washington, D.C. 20410, and two copies (without copies of the Request for Grant Application) to: the appropriate HUD Regional Office servicing the respondent's jurisdiction.

Requests for Grant Applications (RFGA) may be obtained from Vito Vollero, Director, Demonstration and Research Division, Office of Procurement and Contracts, Room 5256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

HUD invites interested persons to submit comments on this Notice to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours in Room 10276. Comments on the information collection requirements contained in this Notice should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20053, Attention: HUD Desk Officer.

FOR FURTHER INFORMATION CONTACT: Harold D. Williams, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8132, Washington, D.C. 20410, Phone: (202) 755-5561 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The Public Housing Homeownership Demonstration is designed to test and document varied methods which can be used to assist and encourage lower income families living in public housing to become owners of their own homes by purchasing existing public housing units. Activities to be carrier out at each site selected for the demonstration will include such things as: selecting eligible purchasers; developing legal documents needed to transfer PHA-owned property to private ownership; assisting tenants to assume the responsibilities necessary to maintain and operate the property; providing specialized training to public housing tenants in organizing and operating a cooperative, condominium or homeowners association; counseling on the responsibilities of homeownership; training in home maintenance; sponsoring or arranging for low-interest loans for the tenants; arranging for a locally- or government-sponsored counseling agency to provide the homeownership counseling to public housing tenants; granting tax abatements for the property sold to tenants; or other activities needed to make homeownership a viable option for public housing tenants.

Applicants for the demonstration must seek local sources and funding for the necessary technical assistance needed for tenant counseling and homeownership training. HUD recognizes that in many communities these services are not readily available, nor are other types of assistance that the applicant may require in order to prepare for the transfer of PHA-owned property to private ownership. This assistance may be in the nature of legal activities or advice, engineering support, etc. To assist participants, HUD is providing two sources of assistance—management support assistance provided by a HUD management support contractor on an "as required" basis; and/or a grant to fund locally initiated management support activities. Each grant will be limited to a maximum funding of $50,000. The grants will be issued on the basis that no local sources of funds exist which can be utilized for the activities and it would be more efficient and effective to provide the activities through a grant versus having HUD's management support contractor provide the service.

All PHAs are invited to submit an application for participation in this demonstration in accordance with the requirements established in this Notice. Each applicant has the flexibility to design its homeownership demonstration to meet its local situation and priorities. Any application involving the sale of multifamily structures must be developed by the local PHA in consort with the unit of general local government and a tenant group or association representing the public housing tenants of the selected property. If the selected property has no active tenant association, then the application must be developed in consort with a PHA-wide tenant group or association.

In the event there are groups of tenants interested in homeownership, but there is no active association, and if there is agreement between the PHA and the unit of general local government, HUD's management support assistance under this Notice may be applied for to assist in the organizing of tenant support organizations and activities to aid in the movement of the tenants toward homeownership. If the application involves the sale of only single-family structures, then the involvement of tenant groups or tenant associations may not be necessary but should be included if appropriate to the particular public housing project.

All interested PHAs, units of local governments and tenant groups or associations are invited to attend an Applicants Conference which will be held at the Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10233, Washington, D.C., on November 15, 1984, at 9:30 am. The purpose of this conference is to address any issues or questions which interested participants may have in preparing their applications for participation in the demonstration.

The public is invited to submit comments on this Notice for 60 calendar days after date of publication, as provided for by section 470 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181, approved November 30, 1983).

Notice of Fund Availability and Solicitation of Proposals From Eligible Public Housing Agencies To Participate in a Public Housing Homeownership Demonstration.

1. Background
2. Goals of the Demonstration
3. Resources To Be Committed by HUD and Participants
4. Public Housing Homeownership Demonstration Design
5. Selection and Approval Procedures
6. Other Matters

1. Background

One of the Department's long term goals is to encourage homeownership by as many American families as possible. The Public Housing Homeownership Demonstration is designed to test and document activities which can assist and encourage lower income families living in public housing to become owners of their own homes by purchasing existing public housing units. HUD was granted broad authority to permit sales by PHAs of public housing units to tenants. Under section 5(h) of the U.S. Housing Act of 1937, PHAs may sell public housing projects to tenants with HUD continuing to pay for the existing debt service for the cost of development or modernization of the project. The Department has been using this authority to authorize sale of public housing units to tenants on an *ad hoc* basis.

HUD's previous experience with homeownership programs for lower income families includes the Turnkey III lease-purchase public housing homeownership program and the Indian Mutual Help Homeownership Opportunity Program. The scale and nature of these programs has been such that insufficient data and information have been generated to offer tested solutions to problems associated with homeownership programs for lower income residents.

The Public Housing Homeownership Demonstration is designed to encourage development of a wide variety of approaches to the sale of public housing to tenants pursuant to Section 5(h) of the U.S. Housing Act of 1937, as amended. It is HUD's belief that creative solutions to various issues associated with these sales can best be developed at the local level, by the people most familiar with the particular local situation. Therefore, the demonstration design sets forth certain basic requirements which all applicants must meet, but leaves most issues open to local solution. The applicant must address these issues, but HUD does not believe there is one "right answer" or approach for the purposes of the demonstration. In addressing the issues, the applicant need not have the entire solution set forth in the application, but must, at a minimum, have a complete and coherent approach to developing a solution to the particular issue as the demonstration proceeds.

Data will be collected by HUD's management support contractor at each participating site and documented as to their impacts and the success achieved by the participating PHAs in transferring public housing units to private ownership. This documentation is expected to provide information which will allow the Department to develop preferred approaches to the issues involved in the sale of public housing to tenants and to develop procedures and regulations for homeownership programs which may be initiated by the Department in the future.

2. Goals of the Demonstration

The overall goal of the Public Housing Homeownership Demonstration is to enable lower income public housing tenants to own their own homes. In addition to this overall goal, there are several anticipated "side effects" which would include: helping lower income families share in the American goal of owning their own homes; building a sense of responsibility and a homeowner stake in the community that would lead to neighborhood stability and ultimate improvement; providing tenants who are already involved in the management of their public housing projects the opportunity to take the next step to ownership; and improving the quality of life for both those families remaining as tenants of public housing and those who move into homeownership.

3. Resources To Be Committed by HUD and Participants

3.1 Participating PHAs

Each participating PHA must commit resources and staff, as appropriate, and the specific units which are to be sold to the tenants. All applications for participation in the demonstration must be accompanied by a PHA Board of Commissioners' resolution approving the PHA's participation and the ultimate sale of the public housing property to the tenants.

3.2 Participating Units of General Local Government

Each participating unit of general local government is expected to commit the resources of its local agencies to provide such support as may be appropriate for the demonstration. Such resources may include Community Development Block Grant funds; funds from other agencies of the Federal government (as appropriate to the purposes of those funds); the use of publicly-owned buildings and property (such as for training facilities); local government staff, labor and equipment; and, as appropriate and feasible, private and public funds solicited for specific activities in promoting homeownership for lower income public housing tenants.

3.3 HUD Resources

While it is stressed that the applicants for the demonstration must seek local sources and funding for the necessary management support for implementing and carrying out the demonstration, it also is recognized that in many communities these kinds of services or sources of funding are not readily available. Therefore, HUD will provide two sources of assistance to the participating communities—management support assistance through a management support contractor hired by HUD and, as appropriate, Management Support Grants for locally initiated management support activities.

HUD's management support contractor will be available to each participant on an "as required" basis to provide assistance in the areas of tenant conseling and training, assistance to the PHA and tenant associations relative to the preparation and transfer of the PHA-owned property to private ownership, legal activities or advice, engineering support in preparation of architectural drawings and determining condition of the property to be sold, or other appropriate activities. However, in those instances where HUD determines that the most effective and efficient means of providing the management support activity required by a participating PHA is for the services to be provided locally, but no local sources of funds are available, HUD will consider providing a grant of up to $50,000.

To the extent possible, HUD also will provide limited management support from headquarters and field staff at no cost to the PHAs in the demonstration.

4. Public Housing Homeownership Demonstration Design

Each applying PHA may design a Public Housing Homeownership Demonstration program that reflects local needs and priorities, available resources, and the existing local environment within the overall guidelines set forth in this Notice. Activities that are required to be undertaken in all local demonstration programs are described in the following paragraphs.

4.1 Application Development

All applications involving the sale of multifamily properties must be developed by the local PHA in consort with any tenant groups or tenant associations representing the public housing tenants, and the unit of general local government. If an application is for scattered site, detached units where a tenant association may not be appropriate, then the application must be developed by the local PHA and the unit of general local government. The application must spell out the activities each of the participating parties will undertake in the process of developing the homeownership program and converting the public housing units from tenant rental to ownership. Each application must be accompanied by letter of intent from each of the other participating parties indicating their willingness and resolve to undertake the activities described in the application. All applications must be accompanied by a PHA Board of Commissioners' resolution approving the PHA's participation in the demonstration, and ultimate sale of the property to tenants.

Roles of the various participants *might* include activities such as the following.

For the PHA—developing or arranging for the legal documents necessary for transfer of the PHA-owned property to private ownership; working with tenant groups or tenant associations in determining the sales price of the property; helping to select and determine the tenants eligible to purchase the individual units; assisting the tenants to take over the work necessary to operate and maintain the property; providing or arranging for homeownership counseling (including information on provisions of applicable civil rights and fair housing laws); and determining, as necessary and appropriate, whether tenants require relocation.

For the tenants and tenant association—organizing and participating in a tenant association; agreeing to participate in the training and counseling activities; seeking out relevant training opportunities; keeping all tenants informed of the demonstration progress; determining the type of technical assistance needed; and participating in the determination of tenants eligible to purchase units, income levels required, and sales price of units.

For the unit of general local government—directing local government-sponsored counseling agencies to provide all forms of homeownership counseling for tenants; sponsoring or arranging for low-interest loans for the tenants to purchase their units; granting tax abatements for the early years of tenant ownership; providing resources and equipment to facilitate the demonstration; and providing engineering and legal support in preparing documentation for transfer of the PHA-owned property to private ownership.

For local support organizations—providing specialized training in organizing and operating a cooperative, condominium or homeowners association; counseling on the responsibilities of homeownership; and training in home maintenance.

These examples are illustrative only. Each applicant is free to designate those roles and activities for the participating parties which are most appropriate for the particular local situation.

4.2 Issues Which Must Be Addressed in the Application

The applications submitted for this demonstration must contain, at a minimum, a narrative discussion of the following issues. As appropriate, drawings and additional materials may be included.

A. Selected Properties

Both multifamily and single-family public housing structures are eligible for the demonstration. However, all units proposed for sale under the demonstration must be either in sound physical condition or currently in the process of being rehabilitated with approved modernization funds with a viable plan presented to bring them into sound physical condition before sale.

In addition, HUD will not allow the involuntary relocation of any tenant in connection with this demonstration. Properties must be selected in which the majority of the tenants are interested in purchasing their units or are willing to voluntarily relocate to other units within the PHA's inventory. Where there are tenants who do not desire to purchase their units and do not desire to relocate, accommodations must be made for their remaining in their units. (See paragraph I, below, for options which may be considered.)

The application must identify the property or properties proposed for sale, the racial/ethnic characteristics of current tenants in these properties, and generally describe the condition of the property and the surrounding neighborhood including the racial/ethnic makeup. The application also should describe the criteria, such as local codes, that are used to determine that the property is in sound physical condition for transfer to the tenants and include an inspection report that supports this determination, i.e., that the property will serve as viable homes and provide lasting residences for the purchasers.

B. Eligible Purchasers

The application must address the question of how tenants will be qualified and selected to participate in the homeownership demonstration and who will be responsible for selecting the tenants to purchase their units or a vacant unit. Purchasers must be current tenants of the units proposed for sale or other public housing projects operated by the PHA. This even includes those tenants who are residing in public housing but whose incomes are currently over the income limits for admission to public housing.

Another issue which must be addressed in the application is what will be done with tenants who desire to purchase their units, but are either overhoused (larger units than is required by their family size) or underhoused (smaller units than is required by their family size). It is assumed that there are local occupancy standards/requirements which will be followed in those cases involving underhoused families and that they will be offered the appropriate size unit, if one is available. If an appropriate size unit is not available, then they will not be allowed to purchase their current unit and will be treated as a non-purchasing tenant (see paragraph I, below). For the overhoused, a local determination must be made as to whether they will be offered a "proper" size unit, whether they will be allowed to purchase the larger unit, or whether they can remain in the unit if they do not desire to purchase the unit.

Individual purchasers generally must have an income adequate to enable them to afford all homeownership costs for the property without additional Federal subsidies or assistance. These costs include a down payment (if required), any required closing costs at time of purchase, mortgage payments (if required), taxes, insurance, utility expenses, maintenance and repair costs, and payments to reserves for extraordinary maintenance and replacements. However, HUD will consider applications where the tenant purchasers as a group will be able to support the costs and some proposed purchasers with higher incomes will pay more so that purchasers with lower incomes can also participate. *No project-based Federal subsidies or assistance will be available to cover*

any operating costs after a property is sold to the tenant or tenant association.

The application must provide evidence that the prospective homeowners have adequate incomes to successfully assume the financial responsibilities of homeownership (mortgage payments—if required, taxes, insurance, utilities, and regular and extraordinary maintenance and repair costs), and can be expected to continue to support these financial responsibilities.

C. Sale Price of Property

The application must discuss how the sale price of the property/units will be established. The basic determinant of the sale price must be affordability to the prospective tenant buyer. HUD has the authority and can approve any sale price on the property/units—even for a lowest possible nominal price. HUD also will continue to pay the remaining debt service on the property/units under the Annual Contribution Contract (ACC) after sale to the tenant buyers, so that consideration of the outstanding debt is not necessary in determining the sale price. To the extent clearly justified and reflective of local goals for the demonstration, the sale price may be set at fair market value of the property so long as other criteria of the demonstration—such as no involuntary relocation of tenants—are met.

In determining the sale price, the PHA must first consider what funds the prospective buyer will need to cover operating costs for the property/unit, and then determine what additional funds the prospective buyer will have available to apply to financing the purchase of the property/unit. In calculating a sale price, total housing costs for the prospective buyer after the sale should not be less than his or her current rent contribution. The application should address the following: the adequacy of the tenant's income to pay the operating costs of the property and the proposed level of mortgage payment (if any); whether prices will be determined by unit characteristics, or by the financial capability of the proposed purchaser of the unit, and, in the latter case, whether issue of "fairness" might arise and how they will be handled; the relationship of the proposed sale price to the estimated market value and the outstanding debt (unamortized development cost and/or modernization cost); and other areas considered relevant to the pricing issue by the applicant.

While HUD will continue to pay the debt service on the property after it is sold, there will be no operating subsidy provided the new owners. Any proceeds from the sale of the property may be applied toward the expenses incurred by the PHA in the sale of the property—preparation of deeds, engineering surveys (if not donated services), architectural drawing, etc. Also proceeds from the sale of multifamily properties may be used in setting up a reserve maintenance fund for the proposed owners of the property. Any proceeds from the sale of the property remaining after applying the two above "uses" must be applied to reduce the outstanding debt service.

All units sold must be owner-occupied except in those instances where cooperative or condominium associations agree to continue renting to current tenants who cannot or do not choose to purchase and do not desire to relocate.

D. Proposed Form of Ownership

The application must discuss the proposed ownership arrangements (e.g., fee simple sale of single-family units to tenants, cooperative ownership, or condominium ownership) and indicate why the proposed form of ownership is most suitable for the property to be sold. For example, an applicant may choose to use a cooperative form of ownership over a condominium form because there are several established housing cooperatives in the community which can provide advice and support to the newly-formed cooperative organization.

Applications that involve the sale of multifamily properties either under a condominium or cooperative form of ownership must discuss the sales price of the entire property, how it was established, use of the proceeds and source of the funds to be used in the purchase. The application shall also discuss how the operating costs will be met by the "fees" of the individual unit owners or shareholders and any other sources of income.

E. Controls and Limitations on Resales

If properties are to be sold at prices below market value, the applicant must indicate how it will provide for recapture, upon resale by the initial buyer, of the difference between the original sale price and the market value of the property/unit determined at the time of the original sale. There must be a recapture mechanism for a minimum of five years after the original sale to prevent speculators from taking advantage of the program and gaining "windfall" profits.

Approaches which might be used for the recapture include a silent second mortgage (a mortgage for the difference between the actual sales price and, for instance, the real market value of the property for which no payments are made, but is due in full at the time of resale of the property) held by the PHA, limited equity arrangements for cooperatives, the right of the PHA to buy back the property/unit in the initial five years for the initial purchase price, a graduated approach in which the recapture is phased out in relation to the length of time the purchaser occupies the property, or any other approach which will have the effect of avoiding the potential for "windfall" profits.

The application also must address the issue of long-term availability of the property to lower income homeowners. While not a requirement for participation in the demonstration, the Department is interested in the development of creative approaches which assure the full benefits of homeownership to tenant purchasers while preserving the availability of the housing stock to future purchasers in the same general income range. Limited equity cooperatives are one arrangement which serves this purpose.

F. Foreclosures

The applicant must address the issue of foreclosures and foreclosure prevention and what role or rights the PHA or tenant association may play in such actions. It might be appropriate in the case of foreclosures to provide in the transfer papers for the PHA or tenant's association to have the right to repurchase the property.

G. Financing the Sale of Properties/Units

Applicants must address the issue of how sale of the property or properties to tenants is to be financed, including whether or not down payments will be required. HUD will only permit the use of PHA purchase money mortgages for sale of the properties where the applicant demonstrates that no other source of financing is feasible. Sources of funding which may be appropriate include mortgages from private lenders, public-minded corporations, foundations or State/local financing. Below-market mortgage loans are available under some State or local government programs. Where appropriate and where loan requirements are met, HUD may assist in arranging for secondary market financing for the portfolio of loans to tenant purchasers of the units which could facilitate private lender participation in the demonstration.

H. Activities and Costs Associated With the Sale of Property/Units

There are a variety of activities and costs associated with the transfer of

PHA property/units to tenant ownership. For example, since public housing units are developed as projects, the platting of lots and recording of individual properties necessary for sale of single units may not have been done. For condominium or cooperative sales, State law may require engineering surveys to be completed before sale. For all multiple ownership arrangements (condominiums or cooperatives), legal documents must be developed under applicable State laws. In the actual sale itself, there may be title preparation costs, transfer taxes, points to the lender, down payment requirements, recordation fees, and other closing costs which are shared by the seller and buyer.

The application must identify the activities expected to be necessary to complete the sale of the property to the tenants and how the costs of these activities will be funded. It may be possible for the applicant to avoid a number of these costs through donated services or waivers of fees. For example, the unit of general local government may agree to waive recordation fees, an engineering firm or the unit of general local government may donate the services necessary to complete any required surveys and preparation of current architectural drawings, a local mortgage banker may be encouraged to provide any loans required by the purchasers, and a local real estate association might contribute expert advise or services. The application should identify either potential sources of funding to meet these costs, or approaches for getting the required activities associated with the sale of the property completed.

If sale of a multifamily property to tenants in either a cooperative or condominium arrangement is proposed, the application must address the question of how initial working capital and replacement reserves will be made available at the time of transfer of the property to the tenant association.

A separate accounting must be established for all proceeds from the sale of the property. The proceeds may be used to cover some or all of the following costs associated with the demonstration: preparation of documents to transfer the property; technical assistance provided to tenants or tenant associations; relocation of tenants who volunteer to move; and establishment of working capital and replacement reserves for the cooperative or condominium formed. Any funds remaining will then be applied to the retirement of the debt service on the property sold.

I. Non-Purchasing Tenants

There may be tenants in the property to be sold who do not wish to assume the responsibility of homeownership or who are financially unable to do so. The application must address how these situations will be handled, keeping in mind that HUD will not permit involuntary relocation in connection with this demonstration. Counseling must be provided these families as to their rights, the options available for continued housing assistance, and the locations of units that are available for families who choose to move. To the extent possible such units should be in a variety of locations, inside and outside of areas of minority concentrations consistent with the need to promote fair housing choice.

If non-purchasers are willing to move out of the property, the PHA may use any resources at its disposal to provide alternative housing for these families. To accommodate families which cannot afford to purchase, the PHA might consider retention of ownership of some units if a condominium form of ownership is involved. These units would continue to be eligible for operating subsidies as PHA properties. Or the tenant association purchasing the property might agree to rent to those families—with whatever subsidy is needed provided by the purchasing association or some State or local program. In these cases, the families must be informed that they are no longer tenants of the PHA and are not covered or protected by the U.S. Housing Act of 1937. Another possibility under a cooperative form of ownership might be the availability of Section 8 Certificates for those families who desire to remain in the project as renters.

J. Marketing of Vacant Units

The application must include a plan for the affirmative marketing of units in the property selected for the demonstration which are currently vacant or those vacated by tenants who voluntarily request relocation. This plan must address the means to be utilized in notifying other eligible purchasers (i.e., tenants of the PHA) and the process to be used in selecting the prospective purchasers.

K. Counseling and Training Support to Tenants

The application must address the question of what support is to be provided to the tenants as they move from renter status to homeownership. Specifically, counseling should be provided on the rights and responsibilities of homeownership to assist prospective purchasers to make an informed choice on whether or not to purchase. This counseling must include non-discrimination and equal opportunity provisions of applicable civil rights laws.

Counseling also might be provided in the initial years of homeownership to assist tenant purchasers in addressing new problems as they arise, such as budgeting, saving for major repairs, and planning household maintenance expenses. Training in basic home maintenance might be offered. For proposed condominium or cooperative forms of ownership, training in the rights and responsibilities associated with these forms of ownership must be provided, as well as any necessary training to permit the tenants elected to the Board of Directors of these associations to successfully meet their obligations and perform their duties.

The application must specify the following about the management support activities for the tenants and the tenant associations: the types of training and counseling which will be performed locally and by whom; the sources of local funding available for the training and counseling; and where additional support will be required. This additional support will be provided through HUD's management support contractor or a grant to the applicant by HUD or both.

L. Management Support Activities

Few PHAs have sold public housing units to its tenants. For this reason there is little actual experience in tenant counseling and training or in the legal procedures and documentation necessary to make the demonstration work. There is not always experience in the community either. For these reasons, HUD will make available management support assistance through: (1) A management support contractor; and/or (2) a grant of up to $50,000. The conditions under which each type of assistance will be provided are as follows.

(1) Management Support Contractor

A HUD contractor will be available to provide management support assistance to each selected applicant. This assistance will be provided on an "as required" basis and cover such areas as: homeownership counseling (including provisions of applicable civil rights laws) to potential purchasers of the units; cooperative or condominium conversion requirements; training of tenants in managing a cooperative or condominium; development of legal and other documents for the transfer of PHA-owned property to private

ownership; and assistance with obtaining financial packaging for the individual purchasers. The application must specify if the services of HUD's management support contractor will be needed and which areas of assistance will be required to be provided by this contractor.

(2) Management Support Grants

While it is stressed that the applicants to the demonstration must seek local sources and funding for the necessary activities (including the management support assistance) to carry out the demonstration, HUD also recognizes that in many communities these funds and services are not readily available. In these situations, HUD may provide, as a "last resort," management support grants for funding of locally initiated assistance, where utilization of the management support contractor is determined not to be effective or efficient.

For those applicants which desire to request a Management Support Grant, the application must include a separate application for the grant which includes: a discussion and justification (including a discussion of the attempts made to obtain the funding from other sources) of the need for the grant; a description of the activities which will be undertaken with the grant funding; who will perform the activities; and an estimation of the cost of these activities. Requests for the separate grant application package must be requested from: Vito Vollero, Director, Demonstration and Research Division, Office of Procurements and Contracts, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5256, Washington, D.C. 20410. The completed grant application (RFGA) should accompany the submittal of the NOFA application.

The Management Support Grants will be limited to a maximum of $50,000 and will be awarded only where it is demonstrated by the application that no local sources of funds exist which can be utilized for the service. At the time HUD reviews the request, it will also determine whether the proposed activities can be provided more effectively and efficiently through the HUD management support contractor or through the awarding of the grant. After this review, HUD will either approve the award of the grant or provide the required management support through its management support contractor.

4.3 Supplemental Information

In addition to the applicant's plan for undertaking the activities necessary for the Public Housing Homeownership Demonstration, the following supplemental information must be provided when applicable.

A. Civil Rights Certifications

All applications must include certifications by the PHA that the demonstration will be conducted in compliance with the following:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and implementing regulations issued at 24 CFR Part 1;

2. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284) as amended and that the demonstration will be administered in a manner to affirmatively further fair housing; and

3. Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107.

B. Previous Homeownership Experience

A brief description of any previous homeownership program (Turnkey III, Turnkey IV, Section 235, or local program using Section 5(h) authority) administered by the applicant. This narrative should summarize the applicant's experiences and how that experience affects the proposal being submitted for the Public Housing Homeownership Demonstration.

5. Selection and Approval Procedures

Applications will be reviewed and evaluated by HUD Headquarters with input from appropriate HUD Regional and Field Offices—specifically the offices of Housing Management and Fair Housing and Equal Opportunity. In selecting participants, the Department will seek diversity of approaches to providing opportunities of homeownership to lower income public housing families. Regional and Field Office comments will be solicited concerning PHA's past performance in administering the public housing program, previous homeownership program experience (if any), fair housing and civil rights compliance, and the condition of the PHA's housing inventory. Other factors to be taken into consideration in assessing each application will include:

—Extent to which the application reflects an understanding of the Public Housing Homeownership Demonstration concept;

—Degree of cooperation exhibited in the application between the unit of general local government, PHA and tenants or tenant associations;

—Extent of local government or private resources committed to the homeownership demonstration;

—Ability of the participating parties (local government, PHA and tenant association) to implement the demonstration within a reasonable time frame;

—Demonstrated readiness of the PHA and tenants or tenant associations to move ahead with a homeownership program; and

—Feasibility of the approaches to be undertaken in addressing the issues associated with preparing the properties for private sale and preparing the tenants for the responsibilities of homeownership.

5.2 Application Selection

Preliminary selection of participants will be made by the Assistant Secretaries for Policy Development and Research and for Public and Indian Housing. Final selection will be made by the Secretary.

In accordance with section 470 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98–187, approved November 30, 1983), application approval and the commencement of this demonstration program will await the conclusion of the 60 day public comment period during which full consideration will be given to all comments received.

6. Other Matters

6.1 Federal Programs Affected

This Notice affects the following Federal program listed in the Catalog of Federal Domestic Assistance at the specified number: Low-Income Housing Assistance Program—Low-Income Public Housing Program (14.850).

6.2 Information Collection Clearance

The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act. No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when it is assigned, will be announced by separate notice in the **Federal Register.**

6.3 Environmental Impact Finding

A Finding of No Significant Impact with respect to the environment has

been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

Authority: Sec. 5(h), United States Housing Act of 1937 (42 U.S.C. 1437c) and Title V, United States Housing Act of 1970 (12 U.S.C. 1701z–l).

Dated: October 19, 1984.

Philip Abrams,

Acting Secretary.

[FR Doc. 84–28236 Filed 10–24–84; 8:45 am]

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