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Thursday
November 1, 1984

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. AO-374-A8]

Milk in the Lake Mead Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This order amends the Lake Mead milk marketing order. The amendments: (1) Provide an additional option for computing the pool obligation of a partially regulated distributing plant that is also regulated under a State order that provides for marketwide pooling of dairy farmer returns. Under the option, a plant operator may elect to pay the amount that the Class I price under the Lake Mead order exceeds the price under the State order on fluid milk sales that such plant makes in the Lake Mead marketing area; (2) price milk diverted to nonpool plants from farms located in Clark County, Nevada, and Mohave County, Arizona, at the location of the pool plant from which diverted; and limit the amount of location adjustment on milk diverted to nonpool plants from farms in Utah to a maximum of 35 cents per hundredweight; (3) increase the amount of milk not needed for fluid (bottling) use which may be moved from producer's farms directly to nonpool plants for manufacturing use; (4) provide that milk diverted by anyone other than the plant operator will not be included as a receipt in determining the pool qualification of distributing and supply plants; and (5) adopt for the Lake Mead order the uniform classification provisions that have been incorporated in most other Federal milk orders.

The order changes are based on evidence presented at a public hearing held at Las Vegas, Nevada, in August 1983. They are neded to reflect current marketing conditions and to promote marketing efficiences. Cooperative associations representing more than two-thirds of the dairy farmers supplying milk for the market during June 1984 have approved issuance of the order, as amended.

EFFECTIVE DATE: November 1, 1984.

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

SUPPLEMENTARY INFORMATION: .

Prior Documents in This Proceeding

Notice of Hearing: Issued August 1, 1983; published August 5, 1983 (48 FR 35652).

Recommended Decision: Issued June 12, 1984; published June 15, 1984 (49 FR 24736).

Extension of Time for Filing Exceptions: Issued July 11, 1984; published July 17, 1984 (49 FR 28855).

Final Decision: Issued September 19, 1984; published September 25, 1984 (49 FR 37599).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Lake Mead order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the tentative marketing agreement and order:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commerical activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on November 1, 1984. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 19, 1984 (49 FR 37599). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on November 1, 1984, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement,

tends to prevent the effecutation of the declared policy of the Act;

(2) The issuance of this order amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order amending the order is approved of or favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area during the determined representative period.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

Order Relative To Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

1. Section 1139.3 is revised to read as follows:

§ 1139.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk from a plant to a retail or wholesale outlet (including any delivery through a distribution point, by a vendor, from a plant store or through a vending machine) except a delivery to a plant described in § 1139.7(a).

2. In § 1139.7, paragraphs (a) and (b) are revised to read as follows:

§ 1139.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant that during the month has:

(1) Route disposition, except filled milk, representing not less than 50 percent of its total receipts of Grade A fluid milk products (including milk diverted by the operator of such plant to a nonpool plant pursuant to § 1139.13); and

(2) Route disposition, except filled milk, in the marketing area representing not less than 10 percent of such receipts.

(b) A supply plant from which during the month not less than 50 percent of its Grade A milk receipts from dairy farmers (including milk diverted by the operator of such plant to a nonpool plant pursuant to § 1139.13) is transferred to a pool distributing plant pursuant to paragraph (a) of this section as fluid milk products, except filled milk. Any supply plant that has qualified as a pool plant in each of the immediately preceding months of August through February shall be a pool plant in each of the following months of March through July unless written request for nonpool status for any such month is filed by the plant operator with the market administrator prior to the first day of any such month. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of the March-through-July period unless it fulfills the transferring requirement of this paragraph for such month.

* * * * *

3. In § 1139.13, paragraph (d) is revised to read as follows:

§ 1139.13 Producer milk.

* * * * *

(d) The following conditions shall apply to milk of a producer diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(1) Such milk shall be priced:

(i) At the location of the pool plant from which the milk is diverted (or on a prorata basis if the producer's milk is received during the month at pool plants having different location adjustments) if the dairy farm from which milk is diverted is located in Clark County, Nevada, or Mohave County, Arizona; and

(ii) Except as provided in paragraph (d)(1)(i) of this section, at the location of the nonpool plant to which the milk is diverted. However, the amount of price adjustment on milk originating from Utah farms that is diverted from a pool plant to a nonpool plant shall not exceed 35 cents per hundredweight.

(2) A cooperative association may divert for its account the milk of any producer (other than producer milk diverted pursuant to paragraph (d)(3) of this section) from whom at least one day's milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 50 percent in the months of March through July and 40 percent in other months of the producer milk which the association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to or diverted from pool plants if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning overdiverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator.

(3) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to (d)(2) of this section) from whom at least one day's milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 50 percent in the months of March through July and 40 percent in other months of the milk received at or diverted from such pool plant from producers for which the operator of such plant is the handler during the month. The milk for which the operator of such plant is the handler during the month shall not duplicate milk diverted pursuant to paragraph (d)(2) of this section.

(4) Diversions in excess of such percentages shall not be producer milk, and the diverting handler shall designate the dairy farmers whose milk is not producer milk. It the handler fails to make such designation, no milk diverted by him shall be producer milk.

4. In § 1139.31 paragraph (c) is revised to read as follows:

§ 1139.31 Payroll reports.

* * * * *

(c) Each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1139.76(a)(2) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

5. Section 1139.40 is revised to read as follows:

§ 1139.40 Classes of utilization.

Except as provided in § 1139.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1139.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt,

except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section:

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formula especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler of animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1139.15; and

(6) In shrinkage assigned pursuant to § 1139.41(a) to the receipts specified in § 1139.41(a)(2) and in shrinkage specified in § 1139.41 (b) and (c).

6. In § 1139.50, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1139.50 Class prices.

Subject to the provisions of § 1139.52, the class prices for the month per hundredweight of milk shall be as follows:

* * * * *

7. Section 1139.76 is revised to read as follows:

§ 1139.76 Payments by handler operating a partially regulated distributing plant.

(a) Each handler who operates a partially regulated distributing plant that is not subject to a milk classification and pricing program which provides for marketwide pooling of producer returns and is enforced under the authority of a state government shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the lesser of the amounts computed pursuant to paragraph (a)(1) or (b)(1) of this section. If the handler submits pursuant to §§ 1139.30(b) and 1139.31(c) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (a)(2) of this section:

(1) An amount computed as follows:

(i) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(ii) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(*a*) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(*b*) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(iii) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(iv) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(v) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(1)(iii) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(2) An amount computed as follows:

(i) Determine the value that would have been computed pursuant to § 1139.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(*a*) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(*b*) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (a)(2)(i)(*a*) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1139.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(*c*) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1139.60 for such handler shall include, in lieu of the value of other source milk specified in § 1139.60(f) less the value of such other source milk specified in

§ 1139.71(b)(2), a value of milk determined pursuant to § 1139.60 for each nonpool plant that is not another order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1139.7(b), subject to the following conditions:

(*1*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1139.30(b) and 1139.31(c) similar reports for each such nonpool supply plant;

(*2*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*3*) The value of milk determined pursuant to § 1139.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(ii) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (a)(2)(i) of this section, subtract:

(*a*) The gross payments by the operator of such partially regulated distributing plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated. If such plant is regulated under a State program which provides for marketwide pooling of producers returns, the amount to be subtracted in lieu of gross payments to dairy farmers shall be the gross payment obligation of the plant operator under such State's regulatory program for milk received from dairy farmers;

(*b*) If paragraph (a)(2)(i)(*c*) of this section applies, the gross payments by the operator of such nonpool supply plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(*c*) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (a)(2)(i)(*c*) of this section applies.

(b) Each handler who operates a partially regulated distributing plant that is subject to a milk classification and pricing program which provides for marketwide pooling of producer returns and is enforced under the authority of a State government shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the lesser of the amounts computed pursuant to paragraph (a)(1) or (b)(1) of this section. If the handler submits pursuant to §§ 1139.30(b) and 1139.31(c) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (a)(2) of this section:

(1) An amount computed as follows:

(i) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(ii) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(*a*) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(b) From another nonpool plant that is not another order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(iii) Multiply the ramaining pounds by the amount that the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) exceeds the applicable prices for such products as determined under the State program.

8. In § 1139.85, paragraph (c) is revised to read as follows:

§ 1139.85 Assessment for order administration.

* * * * *

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skin milk and butterfat subtracted pursuant to § 1139.76 (a)(1)(ii), or (b)(1)(ii), as the case may be.

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

Effective Date: November 1, 1984.

Signed at Washington, D.C., on October 26, 1984.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84–28770 Filed 10–31–84; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12, CFR Parts 207, 220, 221, and 224

Regulations G, T, U and X; Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective June 18, 1984 and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: November 13, 1984.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. A copy of the complete List incorporating these additions and deletions is also on file at the Office of the Federal Register. This complete List supersedes the last complete List which was effective June 18, 1984 (49 FR 23606, June 7, 1984). The List includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U and X (12 CFR Parts 207, 220, 221, and 224 respectively). It also includes, for the first time, as a result of an amendment to the margin regulations (49 FR 35756, September 12, 1984), any stock designated under an SEC rule as qualified for trading in a national market system (NMS Security). The List of Marginable OTC Stocks, as it is now called, is a composite of the List of OTC Margin Stocks and all NMS securities. Additional OTC securities may be designated as NMS securities in the interim between the Board's quarterly publications. They will become

automatically marginable at broker-dealers upon the effective date of their designation. The names of these securities are available at the Board and the Securities and Exchange Commission and will be subsequently incorporated into the Board's next quarterly List. Copies of the current List may be obtained from any Federal Reserve Bank. Such copies are also on file at the Office of the Federal Register.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17 (a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting requirements, Securities.

12 CFR Part 220

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, Securities, National Market System (NMS Security), Reporting requirements.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with § 207.2(k) and 6(c) of Regulation G, § 220.2(s) and 17(c) of Regulation T, and § 221.2(j) and 7(c) of Regulation U, there is set forth below a listing of additions and to and deletions from the Board's List:

Additions to the List

Abrams Industries, Inc.
$1.00 par common
Ally & Gargano, Inc.
$1.00 par common
American Integrity Corporation
$.01 par common
American Western Corporation
$.10 par common
Ameriwest Financial Corporation
$.01 par common
Amstar Corporation
$12.50 par cumulative preferred
Archive Corporation
No par common
Arrays, Inc.
No par common
Ashton-Tate
No par common
Athens Federal Savings Bank
$1.00 par common
Atlan-Tol Industries, Inc.
$.05 par common
Ault Inc.
No par common
Aztech International, Ltd.
$.10 par common
Bankers First Corporation
$.01 par common
Bel Fuse Inc.
$.10 par common
Bench Craft, Inc.
$.01 par common
Benihana National Corp.
$.10 par common, Warrants (expire 05/11/87)
Besicorp Group, Inc.
$.01 par common
Boole & Babbage, Inc.
No par common
Boston Five Cents Savings Bank FSB
$.01 par common
Braniff, Inc.
$.01 par common
Brokers Mortgage Service, Inc.
No par common
Burritt Interfinancial Bancorporation
$1.00 par common
Businessland Inc.
No par common
Conb Corporation
$1.00 par common
CML Group, Inc.
$.10 par common
C.O.M.B. Co.
No par common
Cache, Inc.
$.01 par common
Cadbury Schweppes PLC
American Depository Shares for ordinary shares of 25p each
California Amplifier, Inc.
No par common
Capt. Crab's, Inc.
$.001 par common
Casey's General Stores, Inc.
No par common
Cermetek Microelectronics, Inc.
$.01 par common
Chad Therapeutics, Inc.
$.01 par common
Chapman Energy, Inc.
$1.20 par convertible preferred
Chargit, Inc.
$.01 par common
Charlotte Charles, Inc.
$.10 par common
Charvoz-Carsen Corporation
$.10 par common
Check Technology Corporation
$.10 par common
Chemex Pharmaceuticals Inc.
$.01 par common
Chicago Pacific Corporation
$.01 par common
Chili's Inc.
$.10 par common
Chronar Corporation
No par common
Cincinnati Microwave, Inc.
No par common, $.20 stated value
Ciprico Inc.
No par common
Clear Channel Comunications, Inc.
$.10 par common
Clothestime, Inc., The
$.01 par common
Collective Federal Savings and Loan Association (New Jersey)
$.01 par common
Colonial American Bankshares Corporation
$5.00 par common
Colonial Bancgroup, Inc.
Class A, $2.50 par common
Columbia Data Products, Inc.
$.01 par common
Columbia Savings & Loan Association
$1.00 par common
Comarco, Inc.
$.10 par common
Commercial Bancorporation of Colorado
Class A, $1.00 par common
Comp-U-Card International Incorporated
$.01 par common
Component Technology Corp.
$.01 par common
Compression Labs, Inc.
$.01 par common
Comptek Research Inc.
$.02 par common
Computer Identics Corporation
$.10 par common
Computer Resources, Inc.
No par common
Concept Development, Inc.
$.01 par common
Continental Federal Savings & Loan Association (Oklahoma)
$.01 par common
Cousins Home Furnishings, Inc.
$.01 par common
Culp, Inc.
$.05 par common
Cypress Savings Association (Florida)
Class A, $.01 par common
DH Technology, Inc.
No par common
DST Systems, Inc.
$.01 par common
Dairy Mart Convenience Stores, Inc.
$.01 par common
Dallas Federal Savings and Loan Association
$1.00 par common
Delchamps Inc.
$.01 par common
Delta Data Systems Corporation

$.01 par common
DEP Corporation
No par common
Develcon Electronics Ltd.
No par common
Diceon Electronics, Inc.
No par common
Digital Datacom, Inc.
$.01 par common
Diplomat Electronics Corporation
$.10 par common
Duquesne Systems Inc.
No par common
E–H International, Inc.
No par common
E–Z–EM, Inc.
$.10 par common
Eagle Telephonics, Inc.
$.01 par common Warrants (expire 08–21–88)
Eaton Financial Corporation
$.10 par common
Educom Corporation
$.10 par common
Endevco, Inc.
$.10 par common
Endo-Lase Inc.
$.01 par common Class A, warrants (expire 01–17–87)
Energas Company
No par common
Energy Factors, Inc.
No par common
Energy Oil, Inc.
$.01 par common
Entertainment Publications, Inc.
No par common
Entre' Computer Centers, Inc.
$.01 par common
Epsilon Data Management, Inc.
$.01 par common
Ericsson, L.M. Telephone Company
American Depository Receipts for Series B stock
Excalibur Technologies Corporation
$.01 par common
Exovir, Inc.
$.01 par common
Farm & Home Savings Association (Missouri)
$1.00 par common
Federated Group, Inc., The
$.10 par common
Filmtec Corporation
$.10 par common
Filtertek, Inc.
Paried certificates
First Commercial Corporation
$5.00 par common
First Federal of Michigan
$.01 par common
First Federal Savings and Loan Association of South Carolina
$1.00 par common
First Federal Savings Bank of California
$1.00 par common
First Financial Bancorp
$8.00 par common
First Indiana Federal Savings Bank
$.01 par common
First Interstate Bank of Alaska
$2.00 par common
First Jersey National Corporation
Series B, $1.00 par cumulative convertible preferred
First Savings Bank of Florida, FSB
$.01 par common
1st Source Corporation
$1.00 par common
Flakey Jake's, Inc.
$.01 par common
Flight International Group, Inc., The
$.01 par common
Flow Systems, Inc.
$.01 par common
Formaster Corporation
No par common
Forschner Group Inc.
$.01 par common
Fries Entertainment, Inc.
$.01 par common
General Physics Corporation
$.025 par common
Genetic Engineering, Inc.
$.01 par common
Genetic Laboratories, Inc.
$.01 par common
Graphic Industries, Inc.
$.10 par common
Gray & Company Public Communications International, Inc.
$.01 par common
Great Lakes Federal Savings and Loan Association (Michigan)
$.01 par common
Great Southern Federal Savings Bank (Georgia)
$1.00 par common
Great Western Federal Savings Bank (Washington)
$.01 par common
Gulf Broadcast Company
$.10 par common
Gull Inc.
$.10 par common
Hei Corporation
$.10 par common
Haber Inc.
$.10 par common
Hadco Corporation
$.05 par common
Hawthorne Financial Corporation
$1.00 par capital
Healthcare Services Group, Inc.
$.01 par common
Heritage Federal Savings and Loan Association (Florida)
$.01 par common
Hickam, Dow B., Inc.
$.01 par common
Homecrafters Warehouse, Inc.
$.01 par common
Horizon Air Industries Inc.
$.02 par common
Horizon Industries, Inc.
No par common
Hunt, J. B. Transport Services Inc.
$.01 par common
Huntingdon Research Centre PLC
American Depository Receipts
Hyponex Corporation
$.10 par common
Imreg, Inc.
Class A, no par common
Inacomp Computer Centers, Inc.
$.05 par common
Independence Bancorp, Inc.
$2.50 par common
Inertia Dynamics Corp.
$.01 par common
Integrated Device Technology, Inc.
No par common
Integrated Genetics Inc.
$.01 par common
Intelligenetics, Inc.
No par common
Interdyne Company
$.25 par common
International Technology Corporation
$1.00 par common
International Thoroughbred Breeders, Inc.
$.10 par common
International Totalizator Systems, Inc.
No par common, Warrants (expire 11–17–84)
Isomedix Inc.
$.01 par common
J. P. Industries, Inc.
$.10 par common
Jacobson Stores Inc.
$1.00 par common
Kamenstein, M., Inc.
$.01 par common
Kaydon Corporation
$.10 par common
Kleinert's Inc.
$2.50 par common
LJN Toys, Ltd.
$.10 par common
Landmark Savings Association (Pennsylvania)
$1.00 par common
Lexicon Corporation
$.05 par common
Liberty Federal Savings and Loan Association (Pennsylvania)
$1.00 par common
Lily-Tulip, Inc.
$.05 par common
MTV Networks, Inc.
$.01 par common
MacGregor Sporting Goods, Inc.
$.10 par common
Machine Technology, Inc.
No par common
Magnet Bank, F.S.B. (West Virginia)
$.01 par common
Malrite Communications Group, Inc.
$.01 par common
Margaux Controls, Inc.
No par common
Masco Industries, Inc.
$1.00 par common
Math Box, Inc., The
$.01 par common
McGill Manufacturing Co., Inc.
No par common
Medicare-Glaser Corporation
$.50 par common
Mediflex Systems Corporation
$.01 par common
Meldridge, Inc.
$.01 par common
Merry-Go-Round Enterprises, Inc.
$.01 par common
Metrobanc, Federal Savings Bank (Michigan)
$1.00 par common
Metrorail Corporation
$.40 par common
Micron Technology, Inc.
No par common
Micropro International Corporation
No par common
Mitsui & Co., Ltd.
American Depository Receipts for common stock (par value Yen 50)
Morris County Savings Bank (New Jersey)
$2.00 par common

Naugles Inc.
Warrants (expire 04–30–89)
Neutrogena Corporation
$.50 par common
New York Airlines, Inc.
Warrants (expire 09–15–86)
Neworld Bank for Savings (Massachusetts)
$1.00 par common
Norlin Corporation
$5.00 par common
OCG Technology, Inc.
$.01 par common
One Bancorp, The
$1.00 par common
Orfa Corp. of America
$.001 par common
Oxoco Inc.
$1.00 par cumulative convertible preferred
PLM Financial Services Inc.
No par common
PAR Pharmaceutical, Inc.
$.01 par common
Park Communications, Inc.
$.16⅔ par common
Peak Health Care, Inc.
No par common
Pegasus Gold Ltd.
No par common
Penwest, Ltd.
$1.00 par common
Personal Computer Products, Inc.
$.01 par common
Ponce Federal Bank, F.S.B. (Puerto Rico)
$1.00 par common
Pre-Paid Legal Services, Inc.
$.01 par common
Preferred Financial Corporation
$.01 par common
Provincetown-Boston Airline, Inc.
$.01 par common
Pullman Transportation Company Inc.
$.10 par common
Radionics, Inc.
No par common
Rauch Industries, Inc.
$1.00 par common
Rent-A-Center, Inc.
$1.00 par common
Reuters Holdings PLC
American Depository Shares for ordinary shares of 10p each
Royal International Optical Corporation
$.10 par common
Royal Palm Savings Association (Florida)
$1.60 par common
S.A.Y. Industries, Inc.
$.01 par common
S–P Drug Company, Inc.
$.01 par common
STV Engineers, Inc.
$1.00 par common
Saatchi & Saatchi Company PLC
American Depository Shares for ordinary shares of 10p each
Safeguard Health Enterprises, Inc.
No par common
Satellite Syndicated Systems, Inc.
$.01 par common
Saver's Bancorp, Inc.
$1.00 par common
Seacoast Banking Corporation of Florida
Class A, $.10 par common
Shelby Williams Industries, Inc.
$.10 par common
Shoreline Savings Association (Washington)
$.50 par common
Simmons Airlines, Inc.
No par common
Sloan Technology Corporation
$.10 par common
Space Microwave Laboratories, Inc.
No par common
Spendthrift Farm, Inc.
No par common
Sperti Drug Products Inc.
No par common
Spire Corporation
$.01 par common
Square Industries, Inc.
$.01 par common
Statewide Bancorp
Series A, $2.20 cumulative convertible preferred
Stearns Maufacturing Company
$.01 par common
Stockholder Systems, Inc.
Class A, $.05 par common
Sun Coast Plastics, Inc.
$.01 par common
Sunrise Medical, Inc.
$1.00 par common
Supertex Inc.
No par common
Sym-Tek Systems, Inc.
No par common
Synergex Corporation
No par common
Taco Villa, Inc.
$.01 par common
Telco Systems, Inc.
No par common
Tele-Communications, Inc.
Warrants (expire 01–01–88)
Temco Home Health Care Products, Inc.
$.01 par common
Tender Loving Care Health Care Services, Inc.
$.01 par common
3Com Corporation
No par common
Tofu Time Inc.
$.01 par common
Top Brass Enterprises, Inc.
$.01 par common
Unibancorp, Inc.
Series A, no par cumulative convertible preferred
Uniforce Temporary Personnel, Inc.
$.01 par common
Union Warren Savings Bank (Massachusetts)
$1.00 par common
United Federal Bank, FSB (New Hampshire)
$1.00 par common
United States Antimony Corporation
$.01 par common
Universal Development Corporation
$.01 par common
Universal Furniture Limited
$.01 par ordinary shares
Urgent Care Centers of America, Inc.
No par common
V-Band Systems Inc.
$.01 par common
VMX, Inc.
$.05 par common
Vicon Fiber Optics Corporation
$.10 par common
Vie De France Corporation
$.01 par common
Vodavi Technology Corporation
$.01 par common
Westchester Financial Services Corporation
$.01 par common
Western Federal Savings and Loan Association (California)
$1.00 par common
Western Microtechnology, Inc.
No par common
Western Tele-Communications, Inc.
Class A, $.01 par common
Westwood One, Inc.
No par common
Westworld Community Healthcare, Inc.
$1.00 par common
Widcom Inc.
$.01 par common
Wilson, H. J. Co., Inc.
10½% convertible subordinated debentures
Wilton Enterprises, Inc.
$.10 par common
Xidex Magnetics Corporation
No par common
Zitel Corporation
No par common

Deletions from List

Stocks Removed for Failing Continued Listing Requirements

AIA Industries, Inc.
$.01 par common
Air Florida System, Inc.
$.50 par common
Ambassador Group, Inc.
$.10 par common
Baldwin & Lyons, Inc.
No par common
Beck/Arnley Corporation
$.25 par common
Bio-Response, Inc.
Warrants (expire 10–16–84)
Computer Devices, Inc.
$.01 par common
Digital Switch Corporation
Warrants (expire 07–29–84)
Energetics, Inc.
$.01 par common
Family Entertainment Centers, Inc.
No par common
Great American Corporation
Class A, $2.50 par common
Information Displays, Inc.
$.50 par common
Interstate Motor Freight System
$1.00 par common
Kalvar Corporation
$.02 par common
Kratos Inc.
No par common
Life Chemistry, Inc.
No par common
Los Alamitos Race Course
$5.00 par common
Louisiana Land Offshore Exploration Company, Inc.
$1.00 par common
Midwestern Companies
$.08 par common
Mississippi Valley Gas Company
$5.00 par common
Moraga Corporation
$1.00 par common
Orbit Instrument Corporation
Warrants (expire 03–09–86)
Originala Petroleum Corp.
$.10 par common
Pacesetter Corporation, The
$.25 par common

Permeator Corporation
$.10 par common
Phone-Mate, Inc.
$.10 par common
Pizza Time Theatre, Inc.
No par common
Rio Verde Energy Corporation
$.10 par common
Specialized Systems, Inc.
No par common
Superior Manufacturing & Instrument Corporation
$.50 par common
Thunander Corporation
Warrants (expire 01-10-87)
Trans-Western Exploration, Inc.
No par common
Union Electric Steel Corporation
$1.25 par common
Xonics, Inc.
Class A, $.10 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

ADI Electronics, Inc.
$.01 par common
AMC Entertainment Inc.
$1.00 par common
American Equity Investment Trust
$1.00 par shares of beneficial interest
American International Group, Inc.
$2.50 par common; $5.00 par cumulative convertible preferred
American Pacific International, Inc.
$.01 par common
Belknap, Inc.
No par common
Bristol Corporation
No par common
Cal Fed, Inc.
$1.00 par common
Cascade Steel Rollings Mills, Inc.
No par common
Data-Design Laboratories
$.33⅓ par common
Devon Stores Corporation
$.01 par common
Electrospace Systems, Inc.
$.10 par common
Elscint Limited
Ordinary Shares IS $.05 par value
Enstar Corporation
Series A, no par convertible preferred
Equitec Financial Group, Inc.
$.01 par common
Fidelity of Oklahoma, Inc.
$5.00 par common
First Federal Savings and Loan Association of Raleigh
$1.00 par common
First National Bancorp of Allentown, Inc. (Pennsylvania)
$1.00 par common
Flickinger, S. M. Company, Inc.
$2.50 par common
Florida Coast Banks, Inc.
$1.00 par common
Foothill Group, Inc., The
Class A, no par common
Foster Medical Corporation
$1.00 par common
Gibraltar Savings Association
$1.00 par common
Great American Federal Savings Bank (California)
$1.00 par common
Home Federal Savings and Loan Association (California)
$.01 par common
Hughes Supply, Inc.
$1.00 par common
Impell Corporation
$.02 par common
International Income Property Inc.
$.01 par common
Jamesbury Corporation
$1.00 par common
Kearney National Inc.
$.50 par common
Lincoln First Banks Inc.
$1.00 par common, $4.50 par convertible preferred
Lorimar
No par common
M.D.C. Corporation
$.01 par common
MacNeal-Schwendler Corporation, The
$.10 par common
Mini Mart Corporation
$.05 par common
Nielsen, A.C. Company
Class A, $1.00 par common; Class B, $1.00 par common
Nord Resources Corporation
$.01 par common
Norpac Exploration Services, Inc.
$.20 par common
Odetics, Inc.
$.10 par common
Omega Optical Company, Inc.
$.05 par common
Pan-Western Corporation
$1.00 par common
Rooney, Pace Group Inc.
$.01 par common
San Francisco Bancorp
No par common
Silvey Corporation
No par common
Swanton Corporation
$.10 par common
Tambrands Inc.
$.25 par common
Tano Corporation
$.05 par common
Technodyne, Inc.
$.50 par common
Tocom, Inc.
$.10 par common
U.S. Telephone, Inc.
No par common
Wedtech Corporation
$.01 par common
Westlands Diversified Bancorp, Inc.
$1.25 par common
Winner's Corporation
$.05 par common
Woodward & Lothrop, Inc.
$10.00 par common

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)).

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-28748 Filed 10-29-84; 9:58 am]
BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. CR-336]

Delegation of Authority to the General Counsel To File Notices of Appearance in Bankruptcy Reorganization Cases

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a rule delegating to the Commission's General Counsel the authority to file notices of appearance in bankruptcy reorganization cases under section 1109(a) of the Bankruptcy Code involving debtors, the securities of which are registered or required to be registered under section 12 of the Securities Exchange Act. This action is necessary to enable the staff to monitor the bankruptcy reorganization proceedings of companies having significant public investor interest without burdening the Commission with the routine task of authorizing the filing of a notice of appearance in each such case.

EFFECTIVE DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Gordon K. Fuller, Attorney, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-3087.

SUPPLEMENTARY INFORMATION: The Commission is amending its regulations governing delegation of authority to delegate authority to the General Counsel to file notices of appearance in bankruptcy reorganization cases under section 1109(a) of the Bankruptcy Code involving debtors, the securities of which are registered or required to be registered under Section 12 of the Securities Exchange Act.

In December 1983, the Commission withdrew from the staff the authority to file notices of appearance in reorganization cases under Chapter 11 of the Bankruptcy Code. Under the new policy implemented after the withdrawal of delegated authority, the staff has filed notices of appearance in Chapter 11 cases only upon specific Commission direction, following appropriate briefing and recommendation.

The Commission also reoriented its priorities in appearing and participating in Chapter 11 cases. *See* Corporate Reorganization Release No. 331, February 2, 1984. The realignment of the Commission's bankruptcy program has

shifted the emphasis from an active day-to-day participation in a limited number of reorganization cases to a less otherwise intensive participation in a greater number of cases. The focus of the reoriented program has been first on the adequacy of representation of the interests of public investors in the case through official committees or indenture trustees, and where the Commission concludes that those interests are adequately represented, to limit generally Commission participation to (1) issues arising under the Bankruptcy Code likely to involve legal principles that affect investors generally or (2) issues involving Commission expertise gained from its experience in enforcing the federal securities laws such as adequacy of a plan disclosure statement and compliance with the Securities Act registration requirements in connection with a reorganization plan. In order to be in a position to identify issues of Commission concern in reorganization cases, the Commission's General Counsel has developed a policy of seeking Commission authority to file a notice of appearance in each Chapter 11 case involving significant public investor interest. The notice of appearance merely places the court and the parties on notice of the Commission's interest in the case, and requires service of all pleadings, notices, and other filings on the Commission staff. Filing of a notice does not, in itself, entail expressing a view on any issue in the case; rather, it allows the staff actively to monitor the status of a case.

Accordingly, the Commission has decided to delegate to the General Counsel the routine task of authorizing the filing of a notice of appearance in each case having significant public investor interest. The General Counsel will, however, continue to seek specific Commission approval whenever information gleaned as a result of appearance in a case leads the staff to believe that the Commission should express a substantive position on an issue in the proceeding.

The delegation applies only to appearances under subdivision (a) of Section 1109, that subdivision which relates to the Commission's advisory role in Chapter 11 cases. The delegation does not apply to appearances under Section 1109(b) where the Commission seeks standing as a party in interest—normally as a result of a direct law enforcement involvement with the debtor. Moreover, even with respect to Section 1109(a), the delegation extends only to participation in cases involving debtor corporations with securities registered or required to be registered under the Securities Exchange Act. This involves exchange-listed securities, and over-the-counter traded equity securities where the issuer has at least $3 million in assets and 500 record holders. The delgation would also extend to cases in which the debtor has voluntarily registered its securities even though it falls below this statutory threshold. The registration standard has been selected by Congress and the Commission as having sufficient public interest to trigger reporting obligations and other protections of the Securities Exchange Act. Of course, the General Counsel will not necessarily enter an appearance in every case which meets this standard; he will have discretion to decide which cases above that minimum threshold are appropriate for the entry of an appearance.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (government agencies), Classified information, Conflict of interest, Environmental impact statements, Equal employment opportunity, Freedom of Information, Organization and function (government agencies), Privacy, Reporting and recordkeeping requirements, Sunshine Act.

Text of Amendment

PART 200—[AMENDED]

Accordingly, 17 CFR 200.30–14, is amended as follows:

1. By adding paragraph (e) to § 200.30–14 as follows:

§ 200.30–14 Delegation of authority to the General Counsel.

* * * * *

(e) File notices of appearance in bankruptcy reorganization cases under Section 1109(a) of the Bankruptcy Code involving debtors, the securities of which are registered or required to be registered under Section 12 of the Securities Exchange Act.

The Commission finds that this revision relates solely to rules of agency procedure or practice and accordingly that notice and prior publication for comments under the Administrative Procedure Act, 5 U.S.C. 552 *et. seq.*, are unnecessary. *See* 5 U.S.C. 552(b).

(15 U.S.C. 78b–1, 76 Stat. 394–95, Pub. L. 87–593 (Aug. 20, 1962))

By the Commission.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–28843 Filed 10–31–84; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old Age, Survivors, and Disability Insurance Benefits; Deductions, Reductions, and Nonpayments of Benefits

Correction

In FR Doc. 84–27767, beginning on page 41244 in the issue of Monday, October 22, 1984, make the following corrections:

1. On page 41244, in the third column, the first line of the last paragraph, insert "a" between "is" and "provision".

2. On page 41245, in the first column, in the fifth line of **SUPPLEMENTARY INFORMATION,** change "benefit" to "benefits".

3. On the same page and in the same column, the second line of the fourth paragraph of **SUPPLEMENTARY INFORMATION,** change "has" to "had".

4. On page 41246, in the second column, in the third line of § 408.408a(c)(2), change "of" to "or".

5. On the same page and in the same column, in the next to last line of § 408.408a(d)(1), "10 cents. We" should read "10 cents, we".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5h

[T.D. 7976]

Certain Elections Under the Deficit Reduction Act of 1984

Correction

In FR Doc. 84–23870, beginning on page 35486 in the issue of Monday, September 10, 1984, make the following corrections:

§ 5h.4 [Corrected]

On page 35487, §5h.4(a)(1), in the table, under the heading "Description of election", in the third entry, line 21, "1" should read "first".

(2) On page 35488, in column one, § 5h.4(a)(2)(iii)(B), line 6, "taxable year" should read "first taxable year"; on the same page, in column two, § 5h.4(a)(2)(iii)(C) line 6, insert the word "first" before the word "taxable"; also in column two, § 5h.4(a)(2)(iii)(D), line 9, insert the word "first" after the word "the", and in § 5h.4(a)(2)(iii)(E), line 8,

insert the word "first" after the word "the".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of a Program Amendment and Removal of a Condition on the Approval of the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment and the removal of a condition of the Secretary of the Interior's approval of the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By letter dated July 23, 1984, the Ohio Division of Reclamation (the Division) submitted to OSM a proposed program amendment consisting of Substitute House Bill No. 164 intended to satisfy condition (m) of the Secretary's approval of the Ohio program concerning public participation in bond release.

After providing opportunity for public review and comment and conducting a thorough review of the program amendment, the Secretary has determined that the modifications to the Ohio program satisfy the condition of approval and meet the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary is removing the condition and approving the amendment. The Federal rules at 30 CFR Part 935 which codify decisions concerning the Ohio program are being amended to implement these actions.

EFFECTIVE DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)–(f)(10), (g), (h)(1)–(h)(3), (i)(1)–(i)(3), (j) and (k)(1)–(k)(5). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.** In accepting the Secretary's conditional approval, Ohio agreed to correct deficiencies (a), (b), (c), (h)(1) and (k)(1) by August 8, 1983; deficiency (e) by September 16, 1982; and the remaining deficiencies by February 8, 1983.

On January 6, 1983, Ohio submitted materials to OSM intended to, among other things, satisfy conditions (a), (b), (c), (d), (f), (g), (h), (i), (j), (k)(1) and (k)(2). On May 24, 1983, the Secretary approved certain of the amendments and removed conditions (b), (d), (f)(1) through (f)(6), (f)(8) through (f)(10), (g), (h)(2), (h)(3), (i), (j), (k)(1) and (k)(2). The Secretary established a deadline of August 8, 1983, for the State to meet conditions (a), (c) and (h)(1), and extended to that same date, the deadline for the State to meet conditions (f)(7), (k)(3), (k)(4), and (k)(5). Additionally, the Secretary imposed two new conditions (l) and (m) which also carried a deadline of August 8, 1983.

On July 26, 1983, the Chief of the Ohio Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet conditions (c), (f)(7), (h)(1), (k)(3), (k)(4), (k)(5) and (m).

On October 11, 1983, after providing public notice and an opportunity to comment, OSM announced the Secretary's decision to extend the deadline for Ohio to satisfy these conditions. The Secretary extended the deadline for conditions (f)(7), (h)(1), (k)(3), (k)(4) and (k)(5) until February 8, 1984, and the deadline for conditions (c) and (m) until August 8, 1984. Conditions (f)(7), (k)(3), (k)(4) and (k)(5) were removed on May 1, 1984, and on July 5, 1984, the deadline for satisfying condition (h)(1) was extended to April 30, 1985. Condition (c) was removed on September 25, 1984 (49 FR 37587).

Condition (m) stipulates that Ohio must amend its program to require that all bond reductions must meet the same public participation requirements as bond releases, consistent with section 519 of SMCRA. The Secretary imposed condition (m) on May 24, 1983, based upon review of a proposed amendment to Ohio Revised Code (ORC) section 1513.16(F) (48 FR 23185). The amendment distinguished between bond reductions and bond releases. Section 1513.16(F) was amended to provide that at the completion of the phase I and II liability periods, a bond would be "reduced," and at the end of the phase III liability period the bond would be "released." The Secretary found that the result of the amendment was to eliminate public participation requirements for bond reductions, which is inconsistent with section 519 of SMCRA. Section 519 requires that requests for release of all or part of a performance bond must be accompanied by public notice and comment provisions.

II. Submission of Revisions

By letter dated July 23, 1984, Ohio submitted a proposed program amendment consisting of Substitute House Bill No. 164 (HB 164) intended to satisfy condition (m) due August 8, 1984.

Specifically, Ohio proposed changes to paragraph (F) of ORC § 1513.16 to remove all references to bond "reductions" and instead require the same public participation procedures for all bond releases, whether in whole or in part. HB 164 also made several minor changes, primarily editorial in nature, to ORC Sections 1513.07(B), 1513.09(A) and 1513.15(B), among others.

On August 14, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendment and requesting public comment on whether the proposed amendment is no less effective than the Secretary's regulations and whether the amendment satisfies the condition of approval (49 FR 32403). The public comment period ended September 13, 1984. A public hearing scheduled for September 6, 1984, was not held because no one expressed a desire to present testimony. On August 9, 1984, the Director, pursuant to Section 503(b)(1) of SMCRA, requested the concurrence of the Environmental Protection Agency (EPA) on the proposed modifications to the Ohio program. The EPA provided its concurrence on September 10, 1984.

III. Secretary's Findings

The Secretary finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment submitted by Ohio on July 23, 1984, meets the requirements of SMCRA and 30 CFR Chapter VII, as discussed below.

The Secretary found that in the amendments submitted by Ohio on January 6, 1983 (48 FR 23185, May 24, 1983), the Ohio statute had been amended to distinguish between bond

reductions and bond releases. ORC Section 1513.16(F) was amended to provide that at the completion of the phase I and II liability periods, a bond would be "reduced," and at the end of the phase III liability period the bond would be "released." The amendment provided that only upon bond "release" would public participation be required. Section 519 of SMCRA requires that requests for release of all or part of a performance bond must be accompanied by public notice and comment provisions. Therefore, the Secretary found that the result of the Ohio amendment was to eliminate public participation requirements for bond reductions, which is inconsistent with Section 519 of SMCRA and less effective than 30 CFR 800.40.

The Secretary now finds that Ohio has amended ORC Section 1513.16(F), specifically subparagraphs (1)–(6), to remove all references to bond "reduction" and substitute where appropriate, bond "release." The effect of the amendment is to require public participation in all bond releases. The Secretary therefore finds that ORC Section 1513.16(F) is now consistent with Section 519 of SMCRA and 30 CFR 800.40, and condition (m) has been satisfied.

The Secretary also finds that the minor changes made by HB 164 are no less effective than the Federal regulations.

IV. Public Comments

No public comments were received on the proposed program amendment.

Acknowledgments were received from the following Federal agencies:

Department of Labor—Mine Safety and Health Administration

Department of Agriculture—Farmers Home Administration and Soil Conservation Service

The acknowledgments did not contain any substantive comments. The disclosure of Federal agency comments is made pursuant to Section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Secretary's Decision

The Secretary, based on the above findings, is approving the July 23, 1984 amendment to the Ohio program, and is removing condition (m). Part 935 of 30 CFR Chapter VII is being amended to reflect the above actions.

VI. Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

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

Accordingly, 30 CFR Part 935 is amended as set forth herein.

Dated: October 26, 1984.

Leona A. Power,

Acting Assistant Secretary for Land and Minerals Management.

PART 935—OHIO

§ 935.11 [Amended]

1. 30 CFR 935.11 is amended by removing and reserving paragraph (m).

2. 30 CFR 935.15 is amended by adding a new paragraph (l) as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(l) The following amendment submitted to OSM on July 23, 1984, is approved effective November, 1, 1984: Ohio Revised Code, contained in Substitute House Bill No. 164.

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 84–28829 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–84–27]

Drawbridge Operation Regulations; New Pass, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation (FDOT), the Coast Guard is changing the regulations governing the operation of the State Road 789 bridge across New Pass connecting Lido Key and Longboat Key in Sarasota County, Florida by permitting the draw to remain in the closed position during the construction of a new bridge. This action is precipitated by a structural failure of the south bascule leaf and structural deficiencies in the north bascule leaf. Without repairs the continued operation of the drawspan would not be prudent.

EFFECTIVE DATE: This regulation becomes effective on December 3, 1984.

FOR FURTHER INFORMATION CONTACT: Senior Bridge Administration Specialist, Mr. J.R. Kretschmer, telephone (305) 350–4108.

SUPPLEMENTARY INFORMATION: On 17 October 1983, the south leaf of the subject bridge sustained severe structural damage. The span had to be realigned, lowered and welded in the closed position to an "H" beam crutch bent constructed near the tip of the bascule leaf. The bridge was reopened to vehicular traffic on 31 October 1983. The crutch bent reduces the available horizontal clearance from 110 feet to 50 feet and is protected by a timber fender marked with 180 degree arc red navigation lights.

A subsequent inspection of the north leaf by engineers from the FDOT revealed the same deficiencies that caused the failure of the south leaf and they concluded that the north leaf could not be placed in operation without extensive repairs that would take approximately nine months and cost $367,700.00. At FDOT's request, the Coast Guard temporarily authorized them to leave the bridge in the closed position. If New Pass north bascule leaf was restored to safe operating condition the expected useful life of the drawspan when the repairs are complete would be approximately 30 days because a new single-leaf bascule bridge is currently under construction adjacent to the present bridge and is scheduled to be open to traffic in May 1985. The

damaged double-leaf drawspan will then undergo mandatory demolition and removal within 90 days. Furthermore, if FDOT was required to open the north leaf to allow vessels to pass, there is a possibility that the bridge would suffer further structural damage during operation that would require it to be closed to vehicular traffic and then the Longboat Key residents would encounter approximately a 28 mile detour to Sarasota. This detour would also restrict the access of emergency vehicles to Longboat Key or prevent a timely evacuation by its residents in the event of a hurricane or other natural disaster.

On 8 December 1983 the Coast Guard published a Notice of Proposed Rule Making 48 FR 54998 concerning this amendment. The Commander, Seventh Coast Guard District also published the proposal as a Public Notice in the Local Notice to Mariners on 13 December 1983. A joint Coast Guard/FDOT public hearing was held in Sarasota on 17 January 1984 to obtain input from all interested parties on the possible effects on vessels and land transportation of keeping the draw in the closed position. In the **Federal Register** publication and at the public hearing interested persons were given until 17 February 1984 to submit comments.

Drafting Information

The drafters of this regulation are Senior Bridge Administration Specialist, Mr. J.R. Kretschmer, Project Officer, and Lieutenant Commander Ken Gray, Project Attorney, Seventh Coast Guard District Legal Office.

Discussion of Comments

Over 156 private individuals and organizations attended the public hearing held in Sarasota. Additional written comments were received through 17 February 1984. 81 persons supported the proposal to maintain the draw in the closed position, 76 opposed it, 8 had no position and 2 favored the proposal only if Big Sarasota Pass was dredged and maintained. The comments are available for inspection and copying at the office of the Commander (oan), Seventh Coast Guard District, Room 816, 51 SW. First Avenue, Miami, Florida 33130. Normal hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

To provide for the needs of navigation in the area once the New Pass bridge remained in the closed position, special regulation § 117.245(i)(3–c) controlling the operation of the Longboat Pass bridge was temporarily suspended on 9 November 1983 and that draw must now open on signal at all times for the passage of vessels. Since the closure of the New Pass bridge on 17 October 1983 there has been no appreciable change in the amount of draw openings for the Longboat Pass bridge. This lack of increase in draw openings indicates that vessels have been using Big Sarasota Pass for access to the Gulf. Though subject to shifting shoals, Big Sarasota Pass is marked by federal aids and since it is only 3 nautical miles from New Pass, it is not considered unreasonable for vessels to continue to use Big Sarasota Pass until the New Pass bridge is completed and the damaged bridge removed in May 1985.

Because of the high cost that would be incurred by the FDOT to repair the New Pass bridge as compared to the short useful life of the bridge, as well as the problems that could be encountered if the north leaf is opened in its present condition, and because of the close proximity of an alternate pass for vessels to use the New Pass bridge will be authorized to permanently remain in the closed position until the new bridge is completed. Due to the problems that could be encountered if the north leaf is opened in its present condition and since this is a continuation of a temporary rule, issued under emergency conditions, good cause exists for making this rule effective upon publication.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this since there has been no appreciable change in the amount of drawbridge openings for the Longboat Pass bridge which indicates that vessels are using Big Sarasota Pass for access to the Gulf. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.311 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATION

§ 117.311 New Pass.

The draw of the SR 789 bridge, mile 0.0, in Sarasota, Florida, need not be opened for the passage of vessels until the bridge presently under construction is open for traffic on 1 May 1985.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: October 17, 1984.

A.R. Larzelere,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 84–28801 Filed 10–31–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD7–84–21]

Drawbridge Operation Regulations; Savannah River, SC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Seaboard System Railroad, the Coast Guard is changing the regulations governing the railroad bridge near Hardeeville, South Carolina by requiring that advance notice of openings be given. This change is being made because of a steady decrease in requests for opening of the draw.

This action will relieve the bridge owner of the burden of having someone constantly available to open the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on December 3, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, telephone: (305) 350–4103.

SUPPLEMENTARY INFORMATION: On 28 June 1984, the Coast Guard published proposed rules (49 FR 26608) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated 10 July 1984. In each notice interested persons were given until 13 August 1984 to submit comments.

Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Comments

No comments were received in response to the publication in the **Federal Register** or the Public Notice. An identical regulation was recently placed on the Seaboard System Railroad bridge at Clyo, mile 60.9.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this since the bridge was only opened an average of once every 11 days in 1983 which reflects a steady decrease in the number of requests for openings the last four years. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.371 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.371 Savannah River.

(a) The draw of the Houlihan (U.S. 17) Bridge, mile 21.6 at Savannah, shall open on signal from 6 a.m. to 11 a.m. and from 12 noon to 3 p.m. At all other times, the draw shall open on signal if at least three hours notice is given. Contact may be made by VHF radiotelephone maintained at the bridgetender's house during the hours of operation and at the Thunderbolt Bridge 24 hours daily.

(b) The draw of the Seaboard System Railroad bridge, mile 27.4 near Hardeeville, South Carolina shall open on a signal if at least three hours advance notice is given. VHF radiotelephone communications will be maintained at the railroad's chief dispatcher's office in Savannah.

(c) The draw of the Seaboard System Railroad bridge, mile 60.9, near Clyo shall open on signal if at least three hours advance notice is given. VHF radiotelephone communications will be maintained at the dispatcher's office in Savannah, Georgia.

(d) The draw of the Seaboard System Railroad bridge, mile 135.4 near Augusta, shall open on signal if at least three hours notice is given.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: October 17, 1984.

A.R. Larzelere,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 84-28800 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD13 84-06]

Drawbridge Operation Regulations; Columbia and Snake Rivers in the Vicinity of Pasco, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the following railroad drawbridges in the vicinity of Pasco, Washington: Burlington Northern bridge across the Snake River at mile 1.5, Burlington Northern bridge across the Columbia River at mile 328.0, and Union Pacific bridge across the Columbia River at mile 323.5. Under the change, the Burlington Northern bridge across the Snake River and the Union Pacific bridge across the Columbia River will be removed from the existing regulation. Also, the signals required for the Burlington Northern Columbia River bridge will be changed.

This change is being made because operation of the Burlington Northern Snake River bridge will be covered by a new regulation being simultaneously processed with this rule under docket number CGD13 84-05. Operation of the Union Pacific Columbia River bridge will be covered by existing general provisions of the drawbridge operating regulations. This action is a housekeeping measure and has no significant effect on bridge operation or navigation.

EFFECTIVE DATE: December 3, 1984.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: On May 17, 1984, the Coast Guard published proposed rules (49 FR 20868) concerning this amendment. The Commander, Thirteenth Coast Guard District, also published the proposal as a Public Notice dated May 29, 1984. In each notice interested parties were given until July 2, 1984 to submit comments.

On April 24, 1984, the Coast Guard published a final rule (49 FR 17450) that reorganized Coast Guard regulations for drawbridges (Part 117 of Title 33, Code of Federal Regulations) into a more usable format. Certain minor editorial changes have been made in this final rule to conform with that reorganization.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Aubrey W. Bogle, project attorney.

Discussion of Comments

No comments were received in response to the Federal Register notice and one comment was received in response to the Coast Guard public notice. The comment was from a federal agency that routinely responds to Coast Guard public notices. It offered no objection to the proposal.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This is based on the fact that no substantive changes are being made in the operation of the bridges. This change is a housekeeping measure to facilitate automation of the Burlington Northern Snake River bridge. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.1035 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.1035 Columbia River.

The draw of the Burlington Northern railroad bridge across the Columbia River at mile 328.0 between Pasco and Kennewick shall open on signal from 8:00 a.m. to 4:00 p.m. At all other times the draw shall open on signal if at least 2 hours' notice is given through the General Yardmaster, Pasco, Washington.

(33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g)(3))

Dated: October 12, 1984.

H.W. Parker,

Rear Admiral, U.S. Coast Guard: Commander, 13th Coast Guard District

[FR Doc. 84-28798 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD13 84-05]

Drawbridge Operation Regulations; Snake River, Automated Railroad Bridge at Pasco, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Burlington Northern Railroad Company, the Coast Guard is changing the regulations governing the Burlington Northern railroad drawbridge across the Snake River, at mile 1.5, near Pasco, Washington, to accommodate automated operation of the drawspan. This change is made because the Burlington Northern Railroad Company can realize substantial savings in operating costs through its implementation. This action will relieve the bridge owner of the burden of having a person constantly available to open or close the draw and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on December 3, 1984.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: On May 17, 1984, the Coast Guard published proposed rules (49 FR 20869) concerning this amendment. The Commander, Thirteenth Coast Guard District, also published the proposal as a Public Notice dated May 29, 1984. In each notice interested parties were given until July 2, 1984 to submit comments.

On April 24, 1984, the Coast Guard published a final rule (49 FR 17450) that reorganized Coast Guard regulations for drawbridges (Part 117 of Title 33, Code of Federal Regulations) into a more usable format. Certain minor editorial changes have been made in this final rule to conform with that reorganization.

Drafting Information:

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Aubrey W. Bogle, project attorney.

Discussion of Comments

No comments were received in response to the **Federal Register** notice and three comments were received in response to the Coast Guard public notice. One comment from a federal agency that routinely responds to Coast Guard public notices offered no objection to the proposal. Two comments were received from organizations representing towboat operators. Both opposed automation of the bridge unless an emergency override was incorporated into the control system. This has been discussed at length at meetings attended by representatives of towboat companies, the Burlington Northern Railroad Company and the Coast Guard. It was Burlington Northern's position that the system was not necessary because adequate control could be exercised through procedural steps followed by their operators. Although viewed as desirable by waterway users, the emergency override capability does not appear to be necessary for operation of the bridge within the framework of Part 117 of Title 33 of the Code of Federal Regulations. An additional comment from one of the towboat organizations requested assurances that the radiotelephone would be manned 24 hours per day. This had been discussed previously and was agreed to by Burlington Northern.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This is based on the fact that no substantive changes are being made in the operation of the bridge. The change merely facilitates the substitution of a human operator with machanical operator. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by adding § 117.1058 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.1058 Snake River.

(a) The draw of the Burlington Northern railroad bridge across the Snake River at mile 1.5 between Pasco and Burbank is automated and is normally maintained in the fully open to navigation position.

(b) Lights. All lights required for automated operation shall be visible for a distance of at least 2 miles and shall be displayed at all times, day and night.

(1) When the draw is fully open, a steady green light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(2) When the draw is not fully open, a steady red light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(3) When the draw is about to close, flashing yellow lights in the form of a down-pointing arrow shall be displayed at the center of the drawspan on both upstream and downstream sides.

(4) A similar set of red, green, and yellow lights shall be displayed on a remote lighting panel located near the north end, upstream side, of the Washington State highway bridge at mile 2.2. These lights shall be synchronized with the lights on the railroad bridge and shall be visible to vessles traveling downstream throughout the passage of the channel adjacent to Strawberry Island.

(c) *Operation.* When a train approaches the bridge, the yellow lights shall start flashing. After an eight-minute delay, the green lights shall change to red, the drawspan shall lower and lock, and the yellow lights shall be extinguished. Red lights shall continue to be displayed until the train has crossed and the drawspan is again in the fully open position. At that time, the red lights shall change green.

(d) Vessels equipped with radiotelephones may contact Burlington Northern to obtain information on the status of the bridge. Bridge status information also may be obtained by calling the commercial telephone number posted at the drawspan of the bridge.

[33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g)(3)].

Dated: October 12, 1984.

H.W. Parker,

Rear Admiral U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 84-28799 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-807; RM-4327; FCC 84-489]

Protection Standards for AM Stations in Alaska

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: Several provisions of the Commission's technical rules are amended to provide additional interference protection to certain AM stations in Alaska to better ensure their ability to provide service to remote areas of that state.

EFFECTIVE DATE: December 3, 1984.

FOR FURTHER INFORMATION CONTACT: Jonathan David, Mass Media Bureau, (202) 632-7792, or Wilson La Follette, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order

(Proceeding Terminated)

In the Matter of Protection Standards for AM Stations in Alaska (MM Docket No. 83-807 Rm-4327).

Adopted: October 17, 1984.
By the Commission.
Released: October 25, 1984.

Introduction

1. The Commission has before it for consideration its *Notice of Proposed Rule Making* pertaining to greater interference protection to certain AM stations in Alaska. The *Notice* was issued in response to a petition for rule making filed by the Alaska Broadcasters Association [1] in which it argued that increased skywave protection for these stations was necessary in order to ensure effective AM coverage in Alaska. To do this, the petition urged the Commission to accord Class I status to a group of 16 Alaskan AM stations [2] which operate on United States Class I-A or I-B clear channels.[3]

2. In issuing the *Notice of Proposed Rule Making*, the Commission noted that Alaska is characterized by vast distances with relatively few major population centers. Because much of Alaska consists of scattered settlements far removed from the larger population centers, the people living in such places are beyond the reach of FM or TV stations and can only obtain service from distant AM stations which are relied on to provide weather and other vital information. In fact, some stations devote a significant part of each hour's broadcast to such material. However, it is important to note that because of the distances involved, much of Alaska must rely on very weak AM signal levels, often on the order of 0.1 mV/m. Although a signal level of 0.5 mV/m ordinarily is accepted as being necessary to provide satisfactory reception in rural areas, the petitioners argued that atmospheric and man-made noise are notably lower in Alaska so that signal levels well below 0.5 mV/m can provide adequate reception. In fact, we are told that this difference itself is sufficient to permit a 0.1 mV/m signal to provide service in Alaska equivalent to a 0.5 mV/m signal in the lower 48 states. However, as the petition pointed out, reliance on such signals presumes that they are not subjected to interference from other AM stations. Thus, the goal of the petition was to provide protection to the signals of these Alaskan stations so that the residents in remote communities could continue to receive the service provided by the existing signal levels. Petitioners sought to accomplish this through affording Class I protection to this group of stations.

3. The petition also dealt with several related technical matters that were included in the *Notice*. It noted the difference in signal propagation in higher (i.e., more northerly) latitudes and sought the use of Figure 2 of § 73.190 of the Commission's rules when calculating interference caused by the proposed Alaskan clear channel operations. Also, on the matter of antenna efficiency, it urged the Commission to allow a minimum field strength of 175 mV/m at one kilowatt rather than the 225 mV/m usually required for Class I stations. Finally, it sought exemption from the minimum power requirements applicable to such clear channel operations. In issuing the *Notice* the Commission agreed that it was appropriate to explore ways of responding to the unique needs of the State of Alaska through increased interference protection. Comments were invited on this matter and on the related technical issues raised in the petition.

4. Comments and replies were filed by several broadcast industry groups and extensive filings were received from Alaska broadcast organizations and licensees and affected individuals and groups living in outlying areas of Alaska. Although the perspectives of the groups did not always coincide, there was little disagreement among them on the major issues. All agreed that the needs of Alaska were unique and that special consideration needed to be given to those needs. Likewise there was an essential agreement that enhanced protection to various Alaskan stations was an appropriate mechanism for responding to these needs. The National Association of Broadcasters supported the proposals, and the Clear Channel Broadcasting Service ("CCBS"), an organization representing clear channel broadcasters in the lower 48 states, offered comments on what it thought should be required of these stations in exchange for this increased interference protection. CCBS also offered suggestions on the standards of protection which were in essential accord with those filed by the Alaskan petitioners in their comments.

Discussion

5. *Introduction.* Since the needs of Alaska have been amply documented and the value of enhanced interference protection has been equally well established, the only points requiring extended discussion are those involving the level of protection to be afforded and the technical standards which should be applied to the new category of stations in Alaska. They are to be designated as Class I–N stations and a new Figure 1b to Section 73.190 will be used for high latitude skywave signal calculations.

6. The proposal to reclassify these Alaskan stations rests on the fact that Class I stations receive greater interference protection both daytime

[1] The Alaska Public Broadcasting Commission joined in the filing of the petition.

[2] The stations listed in the petition are as follows:

Public

KDLG Dillingham, 670 kHz
KBRW Barrow, 680 kHz
KOTZ Kotzebue, 720 kHz
KSDP Sand Point, 840 kHz
KSKO McGrath, 870 kHz

Commercial/Religious

KYAK Anchorage, 650 kHz
KBYR Anchorage, 700 kHz
KFQD Anchorage, 750 kHz
KTNX Anchorage, 1080 kHz
KFAR Fairbanks, 660 kHz
KCBF Fairbanks, 820 kHz
KJNP North Pole, 1170 kHz
KABN Long Island, 830 kHz
KNOM Nome, 780 kHz
KICY Nome, 850 kHz
KGGN Valdez, 770 kHz

[3] Although the petiton had not been entirely clear on this point, the Commission treated it as seeking the same protection as is afforded Class I-A or I-B stations. This would mean protecting the 0.5 mV/m 50% skywave contour during nighttime hours. However, the *Notice* did not proposed to alter the obligation of these stations to continue to provide skywave protection to the existing Class I stations operating on these channels in the lower 48 states.

and nighttime. However, this greater protection is premised on the ability of these stations to provide wide area service. That, in turn, is the product of high transmitting power and the use of a highly efficient antenna. Lower power or reduced antenna efficiency limit a station's ability to provide wide area service daytime and could make it impossible to generate a significant skywave signal at night. Use of a high latitude curve could only exacerbate this situation as it would show an even lower level of skywave signal propagation. Because of this situation, it is not possible to develop protection standards for Alaska without giving full attention to these matters and their interrelationships.

7. *Antenna Efficiency.* The *Notice* proposed using the minimum antenna efficiency of 225 mV/m which is normally applied to Class I stations, a step which would require many of the subject stations to construct new, taller towers. Almost all of the comments oppose such a requirement, contending it would impose undue burdens. Although CCBS did support the proposed minimum antenna efficiency of 225 mV/m, it recognized the problems involved and urged a flexible waiver policy in those cases where it can be shown that it is not possible to reach this level of antenna efficiency. From the information contained in the Alaskan filings, it is clear that such problems exist in most if not all of these cases. This material documents the great burden that would be imposed if we insisted on an efficiency of 225 mV/m. For many stations, FAA flight path limitations preclude the construction of taller towers. Likewise, the permafrost conditions in Alaska pose construction problems which could preclude construction of a taller antenna. Even for those able to construct, that construction often would have to be at a substantial distance from the station. In most cases, the stations already have constructed the most efficient antenna array possible under the circumstances. Since the record already contains a sufficient showing on which to base waiver in such cases, there is no point in imposing a requirement which would be waived in most instances. Overall, the record has demonstrated that these stations already employ antennas as efficient as their circumstances permit and therefore that no additional requirement should be imposed.

8. *Minimum Power.* The next issue is the power to be used by these stations. Class I stations are required to operate with at least 10 kW, and most of the affected stations meet or exceed this requirement. The proposal to require at least 10 kW power was premised on the fact that Class I stations are designed to provide service to an extended area for which at least 10 kW was thought to be necessary. Aditional power would enable these stations to serve even larger areas, but that was not proposed because of the difficulties such a requirement would pose. Although some, like CCBS, seem to suggest use of a 50 kW minimum combined with a waiver procedure, the principal thrust of the other filings is in terms of the difficulties faced in operating with high power. The costs of electricity are much higher in Alaska (in one example the best rate offered is 28.5¢ per kWh, a rate far higher than those charged in the lower 48 states) and can account for a substantial portion of a station's budget. In one case, electric power for a 5 kW operation now takes 10% of the station's total budget, a cost which would double if the station went to 10 kW and would increase proportionately more if greater power were required.

9. Although there is some support for not requiring a minimum power level, the Alaskan petitioners themselves do agree that the 10 kW figure is a reasonable one and that compliance with it can be achieved if some grace period is provided for the few stations in the group that now operate below this level.[4] Of the three stations in the original group which would be affected by imposition of a 10 kW minimum, one already has plans underway to increase its power to 10 kW, and petitioners hope that the other two could be increased to 10 kW within five years. No specific commitment, however, has been made to do so.

10. Although higher power would enable a station to better serve the needs of the citizens of Alaska, the matter is not one which can be resolved without giving full consideration to the practical problems such a requirement would impose. Apparently, all the stations that can feasibly increase beyond the 10 kW level already have done so, and placing such an obligation on the others would impose an onerous burden, perhaps one that could not even be met. At the same time, it does have to be recognized that at least some minimum power is necessary if these stations are to provide the service on which increased protection is premised. The *Notice* suggested 10 kW and the record supports the use of such a minimum. However, it does appear necessary to provide a grace period in which to achieve this power level. The five year period suggested by petitioners for stations not now using 10 kW seems appropriate. To protect the ability of these stations to achieve this power increase, it will be necessary to provide additional interference protection keyed to the prospective 10 kW operation. Thus, during the grace period, calculations involving these stations should be based on present facilities but with an assumed power of 10 kW. Once a station has increased power, calculations are to be based on its actual facilities. If the station does not increase power to at least 10 kW operation within five years, it will cease to be afforded protection as a Class I station and again will be treated as a Class II station. The *Notice* also sought comment on whether to provide enhanced interference protection to other stations operating on U.S. Clear Channels which were not included in the original group. Based on the record it is clear that important benefits to Alaska's residents could flow from treating other stations in a like fashion. Existing coverage would be better protected. Also this would act as a spur to stations to increase power to 10 kW in order to get the increased protection. Therefore, we have decided to allow other stations operating on U.S. Clear Channels to become Class I stations by meeting the same requirements as the original group. So far, only station KBBI in Homer has asked to be included. However, it operates with less than 10 kW power, so an increase to that level would be necessary. It will be included in the original group which will have the benefit of the five-year grace period. Other stations also can be added later upon reaching the 10 kW power level.

11. *High Latitude Curves.* As matters now stand, Figure 1a of § 73.190 of the Commission's rules ordinarily is used to calculate both service and interference skywave contours for stations on clear channels, including those in Alaska. However, because Figure 1a does not reflect propagation conditions at higher latitudes, Alaska stations have been permitted to seek waiver to permit the use of Figure 2 which does take the effect of latitude into account, a practice generally opposed by Class I stations. The *Notice* proposed a new 50% high latitude curve which would be used to determine the extent of skywave service and it proposed that values for field strength 10% of the time would be

[4] The 10 kW level is reached or exceeded by 11 of the 16 stations in the original group. According to petitioner, two others, KGGN Valdez and KSDP Sand Point are to be deleted from this group. Thus, only three: KOTZ Kotzebue, KSKO McGrath and KLDG Dillingham, all at 5 kW, remain below the 10kW level. Also, another station (KBBI, Homer) has asked to be added to this group, and it also would need to increase power from 5 kW to 10 kW.

derived by increasing the 50% values by 8 dB.

12. All of the commenting parties agree that recognition should be given to high magnetic latitude effects in determining both service and interference skywave signal levels.[5] Although the parties recognize that precise depiction of high latitude effects will have to await completion of the ongoing studies in Alaska,[6] they concur in the appropriateness of adoption of an interim curve in the meantime. No question was raised about the 50% curve, but some parties thought that a different factor should be employed for deriving 10% field strength values. Instead of 8 dB, CCBS asserts that the precise difference between 50% and 10% field strength values at higher latitudes is 12.95 dB and aruges for the use of this instead of the 8 dB as proposed. The Alaska Broadcasters Association agrees but suggests the use of the rounded-off correction factor of 13 dB. As the *Notice* indicated, the 8 dB figure was a tenative one. Based on the engineering showings in the record we will adopt new 50% and 10% skywave propagation curves reflecting a factor of 13 dB.[7] Also, the Commission's staff has refined the high latitude curves to improve their applicability to short paths (i.e., in Alaska). However, the refinement has virtually no effect on long paths from Alaska to the lower 48 states. From now on, the formulas from which these curves are derived are to be used for all skywave calculations involving one or more Alaskan AM stations regardless of class.[8] Thus, in doing single signal computations, the formula in Figure 1b is to be used to calculate the 10% values for both stations. In doing RSS calculations, Figure 1b is to be used in computing the RSS of a station in Alaska. For stations not in Alaska Figure 1b is to be used for computing the contributions from stations in Alaska.

13. *Level of Protection.* Finally, we come to the issue of how best to protect the ability of these Alaskan stations to reach the people who depend on their service. The normally protected contours for Class I stations are the 0.1 mV/m groundwave contour daytime (0.5 mV/m groundwave contour nighttime) and the 0.5 mV/m 50% skywave contour nighttime. Although protecting the 0.1 mV/m groundwave contour will serve the function of ensuring the continuation of needed groundwave service, there are several problems with specifying protection to the normal skywave contour. With the less efficient and lower powered operations involved here, especially using the high latitude curves, some of these stations will not even generate a 0.5 mV/m 50% skywave contour. If there is no skywave contour to protect, the commenting parties suggest protecting the 0.1 mV/m groundwave contour, but this by itself falls short of serving the vital needs of Alaska.

14. As we observed in the *Notice,* petitioners asserted that the lower noise levels in Alaska permit reception of low signal levels on the order of 0.1 mV/m or less which is subjectively equivalent to a 0.5 mV/m signal in the lower 48 states. The filings in this proceeding have documented this assertion. Not only can such lesser signals be received, they are depended on to provide weather bulletins and other vital information. In one case, a measured signal level of 0.072 mV/m was shown to provide fully satisfactory service. Unless some method is found for taking this into account, there will be no way ot protect nighttime service for those living outside the 0.1 mV/m groundwave contour. Since in parts of Alaska night can last 24 hourts in winter, this means the possibility of losing the only signal capable of providing warnings of severe weather. We will, therefore, adopt rules that will require that 0.1 mV/m 50% skywave contour to be protected.[9] In azimuths where the station does not develop a 0.1 mV/m 50% skywave signal, protection will be given to the 0.1 mV/m groundwave contour on an RSS basis. Even with the new curves, an efficiency of only 175 mV/m and a power of 10 kW would be sufficient to generate such a signal level which in Alaska has been shown to be sufficient for satisfactory reception.

15. Affording protection of the 0.1 mV/m 50% skywave contour in Alaska would establish a standard which is different from the one which is specified in the lower 48 states.[10] However, this level of protection is fully supported by the record and is quite consistent with the unique situation affecting Alaska. It recognizes both the need to rely on lower signal levels and the fact that at higher latitudes it is possible to do so. That being the case, we believe it appropriate to give full recognition to Alaska's special needs.[11] Likewise, although expanded skywave protection could have a preclusive effect, this is not a problem as Alaska would continue to have abundant opportunity to obtain new AM stations even with these greater limitations on establishing co-channel operations on these frequencies.

16. As indicated in the Notice of Proposed Rule Making, it appears appropriate to apply the new rule to applications filed during the pendency of this proceeding. In the event of a conflict, the applicant will be given a reasonable opportunity to amend the application as required.

17. Accordingly, it is ordered that §§ 73.22, 73.24, 73.25, 73.182, 73.185, 73.187, 73.189 and 73.190 are amended effective December 3, 1984, as set forth in the attached appendix.

18. Authority for this action is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

Regulatory Flexibility Analysis

I. Need for and Purpose of the Rule.

The rule is designed to provide additional interference protection for AM stations in Alaska. Providing such protection helps assure the ability of these stations to reach outlying communities in Alaska which depend on the signals of these stations for weather warnings and other important information.

II. Summary of Issues Raised by Public Comment in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. Issues Raised

As discussed in the body of the *Report and Order,* concern was expressed about the burden which would be imposed if these stations had to operate with improved antenna efficiency and high power in order to be eligible for the additional interference protection. The issue of antenna efficiency was the principal concern because of the problems involved in trying to build the taller towers required

[5] The effect in both is to show that given signal levels do not extend as far as they would at lower latitudes, thereby showing a reduced area of service and a lessened potential for interference.

[6] These studies are part of a cooperative research project with the University of Alaska. It is designed to cover at least half of an 11 year sunspot cycle from the point of highest activity to the lowest.

[7] The effect of this change is to show that the interfering 10% contour would extend further than if a 8 dB correction had been employed. This would lead to more effective protection for the skywave service of these Alaskan stations.

[8] However, it is not necessary to calculate signal levels from Hawaii to Alaska or vice versa as the great distance involved precludes the possibility of interference. For the same reason it has not been necessary to calculate signal levels to or from Hawaii and the lower 48 states.

[9] Such skywave protection has been shown to be needed at night, but because of the different propagation conditions in Alaska, daytime skywave protection is not required.

[10] However, there is no difference in the level of adjacent channel protection being afforded.

[11] Doing so includes providing the same level of protection from stations conducting pre-sunrise and post-sunset operations as is afforded other Class I stations.

for greater antenna efficiency. Although some comment was directed to the issue of minimum power, there was general agreement about the appropriateness of the level proposed provided there was a grace period in which to achieve compliance.

B. Assessment

The comments offered persuasive arguments against adopting the minimum antenna efficiency requirement which had been proposed. For many stations, construction of taller towers would be an impossibility. Even for those stations which could construct such towers, the burden in doing so would be excessive. As to the issue of requiring a minimum power, a grace period seems appropriate for those few stations not now at or above this level.

C. Changes Made as a Result

Based on the record developed, the Commission has decided not to adopt the antenna efficiency requirement of 225 mV/m which had been proposed but to apply a lesser requirement of 175 mV/m instead. Also, in adopting the minimum power requirement, the Commission will allow the five-year grace period suggested by the petitioner.

III. Significant Alternative Considered and Rejected

The only alternative would have been to impose no power minimum, but without the level of power proposed and adopted, these stations would be unable to render the service for which they sought and received protection.

19. It is further ordered that this proceeding is terminated.

20. For further information concerning this proceeding, contact Jonathan David, Mass Media Bureau (202) 632-7792 or Wilson La Follette, Mass Media Bureau (202) 632-5414.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

1. 47 CFR 73.22 is amended by revising paragraph (d)(1) to read as follows:

§ 73.22 Assignment of Class II-A stations.

* * * * *

(d) * * *

(1) Protection by Class II-A stations to other stations. The co-channel Class I-A station shall be protected by the Class II-A station to its 0.1 mV/m contour daytime and its 0.5 mV/m 50 percent skywave contour nighttime. A co-channel Class I-N station shall be protected to its 0.1 mV/m contour daytime and its 0.1 mV/m 50% skywave contour nighttime. The 0.1 mV/m groundwave contour of a Class I-N station is to be protected in those azimuths in which the Class I-N station does not develop a 0.1 mV/m 50% skywave signal. All other stations of any class authorized on or before October 30, 1961, shall normally receive protection from objectionable interference from Class II-A stations as provided in § 73.182.

* * * * *

2. 47 CFR 73.24 is amended by revising paragraph (h) to read as follows:

§ 73.24 Broadcast facilities; showing required.

* * * * *

(h) That, in the case of an applications for a Class II station, the proposed station would radiate, during two hours following local sunrise and two hours preceding local sunset, in any direction toward the 0.1 mV/m groundwave contour of a co-channel United States Class I-A or I-B station, no more than the maximum radiation values permitted under the provisions of § 73.187.

* * * * *

3. 47 CFR 73.25 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 73.25 Clear Channels: Classes I and II stations.

* * * * *

(a) On each of the following channels, one Class I-A station will be assigned, operating with power of 50 kW: 640, 650, 660, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kHz. In Alaska, these frequencies can be used by Class I-N stations subject to the conditions set forth in § 73.182(a)(i)(iii). In addition, on the channels listed in this paragraph, Class II stations may be assigned as follows:

* * * * *

4. 47 CFR 73.182 is amended by revising (a)(1) introductory text, (a)(1)(ii), (a)(2) and (r); by revising the text in (i), (s), and (t) that appears before the Note; by adding (a)(1)(iii) and a Note thereto; and by amending the chart in (v) by adding an entry I-IV between entries I-B and II-A to read as follows:

§ 73.182 Engineering standards of allocation.

(a) * * *

(1) Class I stations are dominant stations operating on clear channels with powers of not less than 10 or more than 50 kW. These stations are designed to render primary and secondary service over an extended area and at relatively long distances, hence have their primary service areas free from objectionable interference from other stations on the same and adjacent channels and secondary service areas free from objectionable interference from stations on the same channels. (The secondary service area of a Class I station is not protected from adjacent channel interference. However, if it is desired to make a determination of the area in which adjacent channel groundwave interference (10 kHz removed) to skywave service exists, it may be considered as the area where the ratio of the desired 50% skywave of the Class I station to the undesired groundwave of a station 10 kc/s removed is 1 to 4.) From an engineering point of view, Class I stations may be divided into three groups and, hereafter, for the purpose of convenience, the three groups of Class I stations will be termed Class I-A, I-B or I-N in accordance with the assignment to channels allocated by § 73.25 (a) or (b).

* * * * *

(ii) The Class I stations in group I-B are those assigned to the channels allocated by § 73.25(b), on which duplicate operation is permitted, that is, other Class I or Class II stations operating unlimited time may be assigned to such channels. During nighttime hours of operation a Class I-N station is protected to the 100 uV/m 50 percent skywave contour and a Class I-B station of this group is protected to the 500 uV/m 50 percent skywave contour. During daytime hours of operation Class I-B and Class I-N stations are protected to the 100 uV/m groundwave contour from stations on the same channel. Protection is given to the 500 uV/m groundwave contour from stations on adjacent channels for both day and nighttime operation. The operating powers of Class I stations on these frequencies shall be not less than 10 kW nor more than 50 kW.

(iii) In Alaska there is a third group of Class I stations, designated as Class I-N. These stations operate on the channels allocated by § 73.25(a) or Section 73.25(b) with a minimum power of 10 kW and antenna efficiency of 175 mV/m for 1 kW. Stations operating on these channels in Alaska which have not been designated as Class I-N stations in response to licensee request will continue to be considered as Class II stations. During daytime hours a Class I-N station receives protection to the 100 uV/m groundwave contour from co-channel stations. During nighttime hours a Class I-N station receives protection to the 100 uV/m 50 percent skywave

contour from cochannel stations. Protection is given to the 500 uV/m groundwave contour from stations on adjacent channels for both day and nighttime operation.

Note.—In the Report and Order in MM Docket No. 83–807, the Commission designated 15 stations operating on U.S. clear channels as Class I–N stations. Eleven of these stations already have Class I–N facilities and are to be protected accordingly. Permanent designation of the other four stations as Class I–N is conditioned on their constructing minimum Class I–N facilities no later than December 31, 1989. During this period, until such facilities are obtained, temporary designation as Class I–N stations shall be applied, and calculations involving these stations should be based on existing facilities but with an assumed power of 10 kW. Thereafter, these stations are to be protected based on their actual Class I–N facilities. If any of these stations does not obtain Class I–N facilities in the period specified, it is to be protected as a Class II station based on its actual facilities. These four stations may increase power to 10 kW without regard to the impact on Class II co-channel stations. However, increases by these stations beyond 10 kW (or by existing Class I–N stations beyond their current power level) are subject to applicable protection requirements for co-channel Class II stations. Other stations not on the original list but which meet applicable requirements may obtain Class I–N status by seeking such designation from the Commission. If a power increase or other change in facilities by a station not on the original list is required to obtain minimum Class I–N facilities, any such application shall meet the interference protection requirements applicable to a Class I–N proposal on the channel.

(2) Class II stations are secondary to stations which operate on clear channels with powers not less than 250 watts nor more than 50 kW, except that Class II–A stations shall not operate nighttime with less than 10 kW, and Class II–B stations coming within § 73.21(a)(2)(ii)(C) shall not operate with nighttime power exceeding 1 kW. Class II stations are required to use directional antennas or other means to avoid causing interference within the normally protected service areas of Class I stations or other Class II stations. (For special rules concerning Class II–A stations, see § 73.22.) These stations normally render primary service only, the area of which depends on the geographical location, power, and frequency. This may be relatively large but is limited by and subject to such interference as may be received from Class I stations. However, it is recommended that Class II stations be so located that the interference received from other stations will not limit the service area to greater than 2.5 mV/m groundwave contour nighttime and 0.5 mV/m groundwave contour daytime, which are the values for the mutual protection of this class of stations with other stations of the same class. There are three exceptions:

(i) Class II–A stations are normally protected at night to the limit imposed by the co-channel Class I–A or Class I–N station;

(i) Class II–B stations coming within § 73.21(a)(2)(ii)(D) are normally protected at night to the limit imposed by the co-channel Class I–A or Class I–N station or the higher limit, if any, imposed by previously authorized facilities of other stations; and

(iii) Class II-B stations coming within § 73.21(a)(2)(ii)(C) are normally protected at nighttime to their 10 mV/m groundwave contour, or the higher limit, if any, imposed by previously authorized facilities of other stations.

* * * * *

(i) Secondary service is delivered in the areas where the skywave for 50% or more of the time has a field strength of 0.5 mV/m or greater (0.1 mV/m in Alaska). It is not considered that satisfactory secondary service can be rendered to cities unless the skywave approaches in value the groundwave required for primary service. The secondary service is necessarily subject to some interference and extensive fading whereas the primary service area of a station is subject to no objectionable interference or fading. Class I stations only are assigned on the basis of rendering secondary service.

Note: * * *

* * * * *

(r) For the purpose of estimating the coverage and the interfering effects of stations in the absence of field strength measurements, use shall be made of Figure 8 of § 73.190 which describes the estimated effective field for one kW power input of simple vertical omnidirectional antennas of various heights with ground systems of at least 120 one-quarter wavelength radials. Certain approximations, based on the curve or other appropriate theory, may be made when other than such antennas and ground systems are employed, but in any event the effective field to be employed shall not be less than given in the following:

Class of station	Effective field mV/m
I–A and I–B	225
I–N	175
II and III	175
IV	150

In case a directional antenna is employed, the interfering signal of a broadcasting station will vary in different directions, being greater than the above values in certain directions and less in others, depending upon the design and adjustment of the directional antenna system. To determine the interference in any direction the measured or calculated radiated field (unabsorbed field strength at 1 mile from the array) must be used in conjunction with the appropriate propagation curves. (See § 73.185 for further discussion and solution of a typical directional antenna case.)

(s) The existence or absence of objectionable groundwave interference from stations on the same or adjacent channels shall be determined by actual measurements made according to the method described in § 73.186, or, in the absence of such measurements, by reference to the propagation curves of § 73.184. The existence or absence of objectionable interference due to skywave propagation shall be determined by reference to the appropriate propagation curves in Figure 1a, 1b, or Figure 2 of § 73.190.

Note: * * *

(t) *Computation of Skywave Field Strength Values* (1) *Fifty Percent Skywave Field Strength Values (Clear Channel)* In computing the fifty percent skywave field strength values of a Class I–A or I–B clear channel station, use shall be made of Figure 1a of § 73.190 entitled "Skywave Signals for 10 percent and 50 percent of the time." In computing the fifty percent skywave field strength values of a Class I–N station (in Alaska), use shall be made of the formula for deriving such values included in Figure 1b of § 73.190.

(2) *Ten Percent Skywave Field Strength Values (Clear Channel).* In computing the 10% skywave field strength for stations on clear channels on a single signal basis, the curve in Figure 1a should be used unless one or both of the stations being considered are in Alaska; in such a case, the formula included in Figure 1b should be used to calculate the 10% values for both stations. In computing the 10% skywave field strength for stations on clear channels on an RSS basis, this formula included in Figure 1b shall be used in computing the RSS of a station in Alaska. In computing the RSS of a station not in Alaska, the formula included in Figure 1b shall be used in computing the contribution from stations in Alaska, and the curve in Figure 1a shall be used in computing contribution from stations not in Alaska.

(3) *Regional and Local Channels.* In computing the 10% skywave field strength values for stations on a regional

channel, on an RSS basis, the formula included in Figure 1b shall be used in computing the RSS of a station in Alaska. In computing the RSS of a station not in Alaska, the formula included in Figure 1b shall be used in computing the contributions from stations in Alaska, and the curve in Figure 2 shall be used in computing contributions from stations not in Alaska. (In the case of Class IV stations on local channels, simplifying assumptions may be made. See Note paragraph (a)(4) of this section.)

(4) *Determination of Angles of Departure.* In calculating skywave field strength for stations on all channels, the pertinent vertical angle shall be determined by use of Figure 6a of § 73.190, entitled "Angles of Departure vs. Transmission Range."

(5) *Calculations involving Hawaii.* In performing the calculations under (2) and (3) above, it is not necessary to consider the effect of stations in Hawaii on stations on the mainland (including Alaska) or vice versa, as the distances involved preclude the possibility of interference.

Note: * * *

* * * * *

(v) * * *

Class of station	Class of channel used	Permissible power	Signal strength contour of area protected from objectionable interference[1]		Permissible interfering signal on same channel[4]	
			Day[3]	Night	Day[3]	Night[4]
I-B * * *						
I-N	do	50kW	SC 100 uV/m	SC 100 uV/m	5 uV/m	5 uV/m.
	xl	xl	AC 500 uV/m	AC 500 uV/m	xl	xl
II-A * * *						

* * * * *

5. 47 CFR 73.185 is amended by revising paragraphs (b), (c), (d), and (e) and (f) to read as follows:

§ 73.185 Computation of interfering signal.

* * * * *

(b) For signals from stations operating on clear channels, skywave interference shall be determined from Figures 1a (or 1b) and 6a of § 73.190.

(c) For signals from stations operating on regional and local channels, skywave interference is determined from Figures 2 and 6a of § 73.190, unless one or both stations are in Alaska, in which case Figures 1b and 6a of § 73.190 are employed. (Certain simplifying assumptions may be made in the case of Class IV stations on local channels. See Note to § 73.182(a)(4).)

(d) Figure 6a of § 73.190, entitled "Angles of Departure vs. Transmission Range" is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. To provide for variation in the pertinent vertical angle due to variations of ionosphere height and ionosphere scattering, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field strength occurring between these angles shall be used to determine the multiplying factor to apply to the 10 percent skywave field strength value read from Figure 1a, Figure 1b or Figure 2 of § 73.190. The multiplying factor is found by dividing the maximum radiation between the pertinent angles by 100 mV/m. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E-layer while Curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

(e) Example of the use of skywave curves for stations operating on clear channels: Assume a Class II station with which interference may be expected is located at a distance of 450 miles from a proposed Class II station. The critical angles of radiation as determined from Figures 6a of § 73.190 are 9.6° and 16.3°. If the vertical pattern of the antenna of the proposed station, in the direction of the other station, is such that between the angles of 9.6° and 16.3° above the horizon the maximum radiation is 160 mV/m at 1 mile, the value of the 10 percent field, as read from Figure 1a of § 73.190, is multiplied by 1.6 to determine the interfering field strength at the location in question. For calculations involving Class I–V stations Figure 1b is employed instead of Figure 1a.

(f) For stations operating on regional and local channels, interfering skywave field strengths shall be determined in accordance with the procedure specified in paragraph (d) of this section and illustrated in paragraph (e) of this section, except that Figure 2 of § 73.190 is used in place of Figure 1a or 1b of § 73.190. In using Figure 2 of § 73.190, one additional parameter must be considered, i.e., the variation of received field with the latitude of the path.

* * * * *

6. 47 CFR 73.187 is amended by revising paragraph (a) to read as follows:

§ 73.187 Limitation on daytime radiation.

(a)(1) Except as otherwise provided in paragraphs (a) (2) and (3) of this section, no authorization will be granted for Class II facilities if the proposed facilities would radiate during the period of critical hours (the two hours after local sunrise and the two hours before local sunset) toward any point on the 0.1 mV/m contour of a co-channel U.S. Class I–A or I–B station, at or below the pertinent vertical angle determined from Curve 4 of Figure 6a of § 73.190, values in excess of those obtained as provided in paragraph (b) of this section.

(2) The limitation set forth in paragraph (a)(1) of this section shall not apply in the following cases:

(i) Any Class II facilities authorized before November 30, 1959; or

(ii) For Class II stations authorized before November 30, 1959, subsequent changes of facilities which do not involve a change in frequency, an increase in radiation toward any point on the 0.1 mV/m contour of a co-channel U.S. Class I–A or I–B station, or the move of transmitter site materially closer to the 0.1 mV/m contour of such Class I–A or I–B station.

(3) If a Class II station authorized before November 30, 1959, is authorized to increase its daytime radiation in any direction toward the 0.1 mV/m contour of a co-channel Class I–A or I–B station (without a change in frequency or a move of transmitter site materially closer to such contour), it may not during the two hours after local sunrise or the two hours before local sunset, radiate in such directions a value exceeding the higher of:

(i) The value radiated in such directions with facilities last authorized before November 30, 1959, or

(ii) The limitation specified in paragraph (a)(i) of this section.

* * * * *

7. 47 CFR 73.189 is amended by revising paragraph (b)(2)(iii) to read as follows:

§ 73.189 Minimum antenna heights or field strength requirements.

* * * * *

(b) * * *

(2) * * *

(iii) Class I–A and I–B stations, a minimum effective field strength of 225 mV/m for 1 kW, for Class I–N stations, a minimum effective field strength of 175 mV/m for 1 kW.

* * * * *

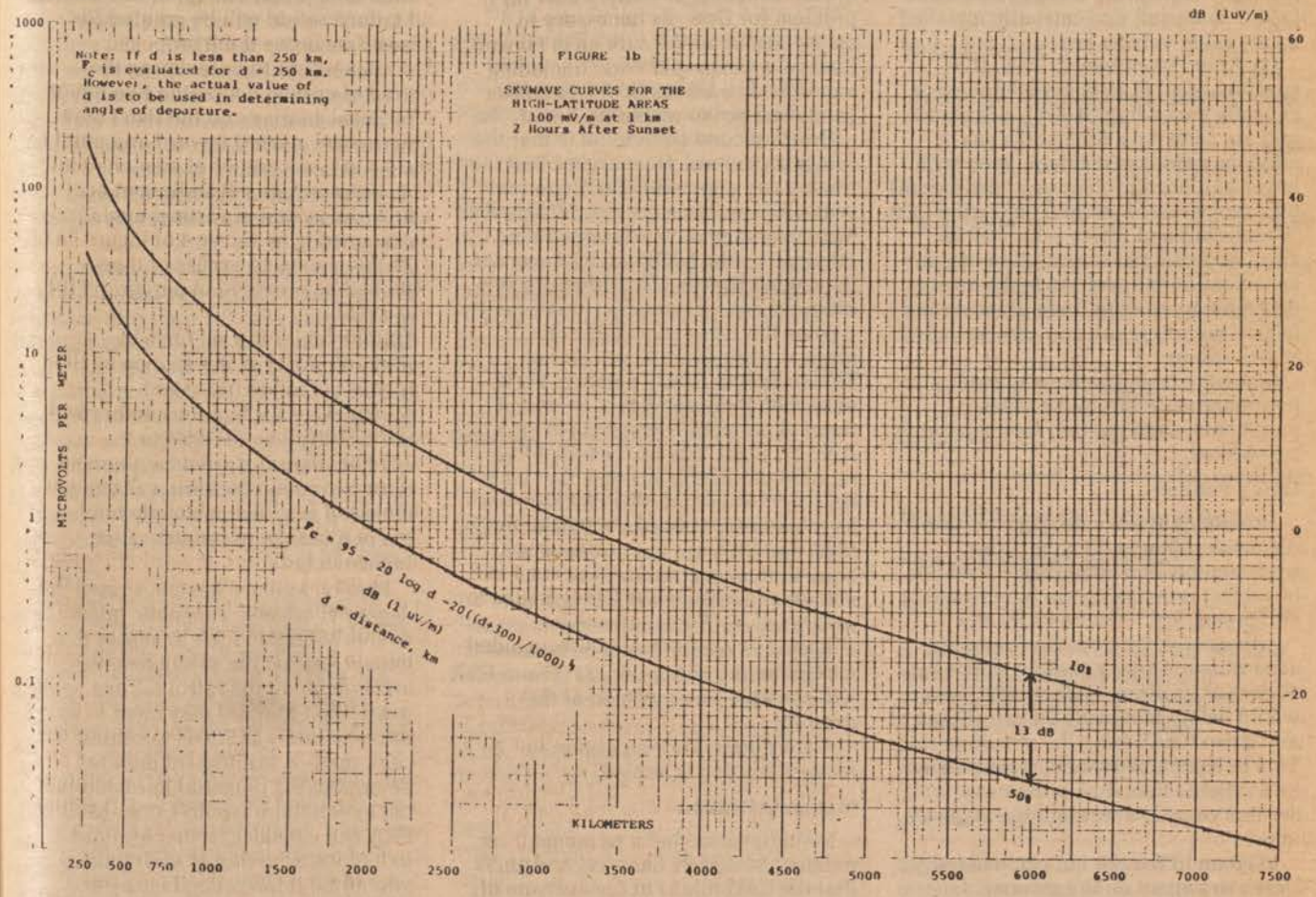
8. 47 CFR 73.190 is amended by adding a new chart designated as figure 1b, and by revising the portion of text appearing before the charts to read as follows:

§ 73.190 Engineering charts.

This section consists of the following figures: 1, 1a, 1b, 2, R3, 5, 6, 6a, 7, 8, 9, 10, 11, and 12.

Note.—The charts as reproduced herein, due to their small scale, are not to be used in connection with material submitted to the FCC.

* * * * *



[FR Doc. 84-28715 Filed 10-31-84; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 179

[Docket No. HM-175]

Specifications for Tank Cars; Response to Petitions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Response to petitions for reconsideration of final rule.

SUMMARY: The Materials Transportation Bureau (MTB) received petitions for reconsideration of the final rule in Docket No. HM-175 from the Association of American Railroads (AAR), Dow Chemical Company, and Mallard Transportation Company. MTB and the Federal Railroad Administration (FRA) thoroughly reviewed the arguments raised in the petitions for reconsideration and conclude that the petitions should be denied.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Deputy Associate Administrator for Safety, Federal Railroad Administration, 400 Seventh Street SW. Washington, D.C. 20590 (202) 426-0897.

SUPPLEMENTARY INFORMATION: MTB received three petitions for reconsideration of the final rule issued in Docket HM-175 (49 FR 3468, Jan. 27, 1984). The petitioners are Dow Chemical Company (Dow), Mallard Transportation Company (Mallard), and the AAR.

The final rule in HM-175 made changes in the construction and maintenance standards for certain railroad tank cars used to transport hazardous materials. The changes are as follows:

(1) After December 31, 1986, DOT specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas, anhydrous ammonia, or ethylene oxide must be equipped with lower half tank head protection (such as a head shield);

(2) After December 31, 1986, DOT specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are

carrying a flammable gas or ethylene oxide must be equipped with either: (a) High temperature thermal insulation (800 °F material) and safety relief valves sized according to the requirements for specification 112 and 114 tank cars, or (b) high temperature thermal insulation (550 °F material) and currently installed safety relief valves; and

(3) After December 31, 1986, DOT specification 111 tank cars that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas or ethylene oxide must be equipped with lower half head protection and either (a) high temperature thermal insulation (800 °F material) and safety relief valves sized according to the requirements for specification 112 and 114 tank cars, or (b) high temperature thermal insulation (500 °F material) and currently installed safety valves.

Since the main concerns of each petitioner varied from the other petitioners, each petition was separately considered.

Dow's Petition

Dow submitted a one-page petition for reconsideration stating that "the requirements and compliance schedule of subject rulemaking are unreasonable and premature." The basis for the "unreasonableness" of the final rule, according to Dow, is that an estimated 40 cars of its affected fleet of 883 cars would be out of service for retrofitting at any given time during the retrofit period. This five percent average reduction in its available fleet during the next several years is unreasonable in Dow's view.

MTB and FRA are not persuaded by Dow's argument on the reasonableness of the final rule. First, Dow did not submit data indicating the utilization rate of its affected fleet. Thus, there is no evidence that the five percent reduction in the available fleet would present any actual problem.

Second, based on national traffic statistics covering the entire tank car fleet transporting the materials covered by the final rule, there appears to be substantial traffic volume fluctuations on a month-to-month basis. MTB and FRA believe that Dow should be able to schedule retrofitting during the periods of low traffic so as to substantially reduce or eliminate any adverse impact. A more complete analysis of the impact of traffic volume fluctuations is included in an economic evaluation of the petitions for reconsideration, which is in the docket.

Third, even assuming a marginal reduction in Dow's available fleet during the retrofit period, there was no information included in the petition to enable MTB and FRA to weigh the potential adverse impact to Dow as compared to added safety benefits of a prompt retrofit schedule.

Finally, even if more complete information from Dow indicated that the retrofit schedule presented a serious problem for Dow, as the owner of a major portion of the cars affected by the final rule, the proper way to proceed would be to address Dow's specific needs and not to revise the basic rule.

Dow's second contention is that the rule is premature. Dow argues that there are not any approved 550 °F thermal protection systems nor any off-the-shelf large capacity valves designed for ethylene oxide. MTB and FRA are not persuaded by this contention. As is often the case, a specific requirement creates the necessary market for product testing and development. Subsequent to Dow's petition, MTB published a revised list of excepted thermal protection systems (49 FR 33524, Aug. 23, 1984). The list included five thermal protection systems that meet the 550 °F standard. With respect to a large capacity valve for ethylene oxide, MTB and FRA are not aware of any bona fide request to a valve manufacturer for the construction of such a valve. If a timely order is made and a valve cannot be manufactured within the retrofit period, MTB and FRA will consider an extension of the deadline.

Accordingly, Dow's petition for reconsideration is denied.

Mallard's Petition

Mallard submitted a two-page petition. Mallard's basic contention is that the final rule is excessively costly for Mallard to comply with. However, the petition did not attempt to rebut FRA's extensive benefit/cost analysis included in the docket. Nor did Mallard argue that the rule as a whole is not beneficial. Rather, the petition alleges that the Mallard Transportation Company is a small business under the Regulatory Flexibility Act (RFA) and that it would be financially hurt by the rule. Mallard's petition states "we will spend monies that will never be recovered."

MTB is denying Mallard's petition for several reasons. First and foremost is that, whatever the ultimate merits of Mallard's contention of unreasonable economic harm, the alleged economic harm is peculiar to Mallard and, thus, is not a basis for revising the rule generally.

Moreover, neither MTB nor FRA believe Mallard has yet made a case of significant economic injury to it as a small business. First, Mallard is a leasing company that owns approximately 220 tank cars, not an inconsequential asset base. While the petition does not provide enough economic information about Mallard Transportation Company to reach a final determination, it is not clear that Mallard would qualify as a small business under the RFA.

Second, the basic purpose of the RFA is to provide special treatment for small business in those cases where uniform treatment of all business, regardless of size, would actually produce disproportionate burdens on small businesses that may adversely affect competition in the marketplace, discourage innovation, or restrict improvements in productivity. This is not the case with the final rule in Docket HM-175 since the cost burdens imposed are not related to the size of the business. Rather, the cost burdens are purely marginal in nature because they are directly proportional to the number of relevant cars owned by a company. A more complete discussion of this issue is included in an economic evaluation of the petitions for reconsideration that is in the docket.

Finally, Mallard has not shown the degree of adverse economic impact to enable MTB and FRA to assess that impact against the safety benefits attributable to the retrofit. Thus, while it is true that Mallard may have to spend approximately $150,000 to retrofit 10 cars, there is insufficient data to determine the potential hardship that the expenditure would cause. MTB and FRA can consider further Mallard's individual situation at such time as additional information is provided.

AAR's Petition

The AAR submitted a 44-page petition for reconsideration (including attachments). The petition addresses the single issue of safety valve sizing. In addition to the 44-page petition itself, the AAR's analysis involves references to numerous studies, computer programs, and technical reports involving hundreds of pages of highly technical material. The discussion in this notice of the AAR's petition, therefore, is summary in nature. A technical analysis prepared to FRA of the AAR's petition for reconsideration in Docket HM-175 is entered in the docket.

The disagreement between the AAR and the Department of Transportation (DOT) concerning safety valve sizing is longstanding. The AAR contested the valve sizing approach adopted in Docket HM-144 (42 FR 46306, Sept. 15, 1977) for DOT specifications 112 and 114 tank cars. AAR restated its objections in

Docket HM–174, (46 FR 8005, Jan. 26, 1981), which involves new construction of DOT specification 105 tank cars. As a result of the AAR's petition for reconsideration of the final rule in HM–174, MTB postponed the compliance date for installing the large capacity safety relief valve on the new construction of DOT specification 105 tank cars built to transport ethylene oxide from September 1, 1981, until March 1, 1984. During that period the AAR prepared a comprehensive study of safety valve sizing. At the same time, FRA was continuing its longstanding research effort on the safety valve sizing issue.

The contentions raised by AAR in its study submitted to the docket in HM–174 have been previously addressed by MTB and FRA. A summary of the MTB and FRA position is included in the preamble discussion to the amendment of the final rule in HM–174 published on January 27, 1984 (49 FR 3473) and a detailed response is included in the docket. The amendment of the final rule was made in response to the AAR's petition for reconsideration in Docket HM–174.

The petition for reconsideration in Docket HM–175 is essentially a request to address once again the AAR's contentions addressed in the HM–174 rulemaking. (The AAR's petition for reconsideration of the final rule in HM–175 also requested another reconsideration of the actions taken in HM–174. The procedural validity of the request need not be addressed since resolution of the technical issues as it affects Docket HM–175 effectively disposes of the identical technical issues in Docket HM–174.) Indeed, the AAR's petition does not raise new arguments about the safety valve sizing issue, but it does contain additional data and analysis in support of the arguments raised in its earlier study.

MTB and FRA thoroughly reviewed the AAR's petition for reconsideration in HM–175 and conclude that it does not contain data or analysis that could cause a change in the conclusions reached in responding to the AAR's petition for reconsideration of the final rule in HM–174. The longstanding disagreement reflects the technical complexity involved in the question of safety valve sizing. It also reflects the reality that totally clear cut answers to the many subcomponents of the analytical framework do not exist. Extrapolation from limited data, mathematical simplification of complex physical phenomena, use of data based on experiments involving an entirely different scale (laboratory testing as opposed to full-scale testing), and other analytical difficulties characterize the process of determining the appropriate valve size.

While the AAR and FRA have "nits" to pick about each other's computer program and analytical approach, the critical differences reflect differing judgments about how to deal with uncertainty in the data and about what constitutes the proper level of safety. The fundamental difference between FRA and the AAR continues to be the fire environment that tank cars should be expected to withstand. The AAR petition proposes that tank cars only be required to withstand what the AAR denotes as "uncontrolled fires," whereas FRA believes that they should withstand more severe fires, what the AAR denotes as "catastrophic fires." Similarly, FRA and the AAR differ on whether there is a potential for total tank fire engulfment (FRA) or only a one quarter portion of the tank engulfed (AAR).

Obviously, FRA and the AAR continue to have an honest disagreement, reflecting both a differing assessment of research and technical literature in the field, and a different determination of the appropriate margin of safety. One thing is clear. As recently as ten years ago, before the adoption of the safety criteria in issue (800°F high temperature thermal insulation *and* a large capacity safety relief valve, or 550°F insulation), it was not uncommon for railroad tank cars transporting flammable gases to rupture violently as a result of being exposed to fire. The consequences of a thermally induced rupture of such a car can be catastrophic in terms of loss of life and property damage. Since adoption of the safety criteria, beginning in Docket HM–144 and now including Docket HM–174 and Docket HM–175, that accident experience has been virtually eliminated. While the accident reduction might have occurred without requiring a large capacity safety relief valve in addition to high temperature thermal insulation (800 °F material), it is far from certain that the reduction would have occurred.

Since it is our view that the proposal of the AAR petition to amend the final rule to size safety valves in accordance with the AAR's study pose unnecessary and unacceptable safety risks, the petition is denied.

Issued in Washington, D.C. on October 29, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84–28865 Filed 10–31–84; 8:45 am]

BILING CODE 4910–60–M

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49 CFR Part 178

[Docket No. HM–115, Amdt. Nos. 173–180, 177–63, 178–82, 179–36]

Cryogenic Liquids; Corrections and Revisions

Correction

In FR Doc. 84–27735 beginning on page 42733 in the issue of Wednesday, October 24, 1984, make the following correction: On page 42736, in the middle column, the formula in § 178.338–9(c)(3)(i) should read as set forth below:

$q=[n(\Delta h)\ (85-t_1)]/[t_a-t_f]$

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Ozark Cavefish (Amblyopsis rosae)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines the Ozark cavefish (*Amblyopsis rosae*) to be a threatened species under the authority contained in the Endangered Species Act of 1973, as amended. This cavefish is presently known from 14 caves in six counties of the Springfield Plateau of southwest Missouri, northwest Arkansas, and northeast Oklahoma. This cavefish has apparently disappeared from over 40 percent of its historic locations. The causes of the decline appear to be habitat alteration and collectors. This determination implements the needed protection provided by the Endangered Species Act, as amended.

DATES: The effective date of this rule is December 3, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Station, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316.

300 Woodrow Wilson Avenue, Jackson, Mississippi 39213.

FOR FURTHER INFORMATION CONTACT:
Mr. Dennis B. Jordan, Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213 (601/960–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

The Ozark cavefish was described by Dr. C. H. Eigenmann in 1898 as *Typhlichthys rosae*. Woods and Inger (1957), in a treatment of the Amblyopsidae, placed the species in the genus *Amblyopsis*. The only other species in the genus *Amblyopsis* is the northern cavefish *Amblyopsis spelea*, which occurs in southern Indiana and west central Kentucky.

The Ozark cavefish is a true troglobitic cavefish reaching 50mm total length. It has an elongate, flattened head, body nearly devoid of pigment, and a projecting lower jaw. The dorsal and anal fins are located far back on the body, the caudal fin is rounded, and the pelvic fins are absent. The sensory papillae occur in two or three rows on the upper and lower half of the caudal fin (Poulson, 1961). It is the only cavefish within the Springfield Plateau of southwest Missouri, northwest Arkansas, and northeast Oklahoma. The literature records of the southern cavefish (*Typhlichthys subterraneus*) within the Ozark cavefish range have been determined to be erroneous (Mayden and Cross, in press). The Ozark cavefish historically occurred in at least nine counties with unconfirmed reports in five additional counties. There are reports of the Ozark cavefish occurring in 52 caves; however, only 24 historic localities are confirmed. Most of the range is in highly soluble limestone of the Boone and Burlington formations which are honeycombed by subsurface drainage.

The Service was petitioned to list this species based on a survey of Missouri caves. To gather complete data Service personnel surveyed the Arkansas and Oklahoma historic range and further investigated the Missouri range. The surveys included 17 counties with actual cave visits in 16 counties. The currently known populations occur in 14 caves in six counties. Although these include much of the historic range, the frequency of sightings of the cavefish is decreasing. In only eight of the 14 known populations could one expect to see any cavefish on a given visit. In only two populations could one expect to see more than five cavefish per visit. In one of the four remaining populations in Oklahoma, the only two cavefish ever observed were collected. In Greene County, Missouri, there are six historic sites where cavefish are no longer observed, and in the only remaining population, there have been only two cavefish observations in 15 years. This decline may be due to degradation of subsurface or ground water.

The Service received a petition to list the Ozark cavefish from Dr. A. V. Brown of the University of Arkansas on September 9, 1982. The species was included in the Service's Notice of Review of Vertebrate Wildlife in the **Federal Register** of December 30, 1982 (47 FR 58454), and the petition was subsequently accepted by a notice of finding on February 15, 1983 (48 FR 6752). The petition was based upon a survey of the Missouri portion of the Ozark cavefish range in which cavefish were observed in only four of the over 20 caves where he expected to find it (Brown, 1982). Following acceptance of the petition, the Arkansas and Oklahoma range was surveyed by Service personnel and a biologist from the University of Arkansas.

Summary of Comments and Recommendations

In the January 31, 1984, proposed rule (49 FR 3889) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published on February 18, 1984, in the Arkansas Democrat; on February 19, 1984, in the Northwest Arkansas Times; on February 20, 1984, in the Springdale News; on February 21, 1984, in the Neosho News; on February 22, 1984, in the Springfield News, the Joplin Globe and the Tulsa Tribune; and on February 23, 1984, in the Miami News-Record and the Arkansas Gazette, and all notices invited general public comment. Twenty-six comments were received and are discussed below. A public hearing was not requested.

Seven comments were received from six State agencies. One county court, nine Federal agencies, six professional biologists, two professional organizations, and one interested individual commented on the proposal.

All State agencies that responded supported the proposal to list the Ozark cavefish as threatened or endangered. These include the Missouri Department of Natural Resources, Arkansas Natural Heritage Commission, Arkansas Game and Fish Commission, and Oklahoma Department of Wildlife Conservation. Their comments all supported the listing as threatened and in some instances provided information that reinforced the data on which the species was proposed. Comments supporting the proposed threatened status without critical habitat were received from one interested individual, two professional societies, four professional biologists, and the Forest Service. Four Federal agencies and one county court responded but did not provide any information or indicate a position concerning the proposal.

Other responses from Federal agencies concerning the proposal were received from the Federal Energy Regulatory Commission, Housing and Urban Development, Office of Surface Mining, and Bureau of Reclamation. These four agencies did not know of any project that would affect or be affected by the listing of the Ozark cavefish.

The Arkansas Department of Pollution Control and Ecology agreed with the "* * * assessment of the vulnerable position of *Amblyopsis rosae*, the Ozark cavefish." They commented that "Northwest Arkansas is an area of heavy agricultural use vis-a-vis land application of animal waste from poultry and swine production. The Department has detected high nitrate levels in shallow wells and feel that un-ionized ammonia taxicity during portions of the year may be at least partially blamed for the decline of this species." Their concern was that sanctions imposed by the Endangered Species Act with a range-wide listing of the Ozark cavefish may affect the economy of this section of Arkansas. The Department suggested the best approach would be "* * * isolation in national forest [sic] rather than attempting a regional protection concept."

The Service does not view the land application of animal waste from poultry and swine production as a potential problem for the Ozark cavefish. If the animal waste is spread so that large amounts will not enter the subsurface water system through a sinkhole or some other direct method so as to create an oxygen deficit situation or ammonia toxicity, the waste material should not be a problem. On the contrary, the gradual addition of animal waste free of chemical pollutants may be beneficial to cave fauna by increasing the energy source and augmenting the food chain. No populations of Ozark cavefish are known to exist on national forest land.

Two professional biologists and the Missouri Department of Conservation recommended the Ozark cavefish be listed as endangered rather than threatened. One of the biologists based his recommendation on those species that are listed as endangered and are much more abundant than the Ozark cavefish. The other biologist and the Missouri Department of Conservation recommended listing as endangered based on the loss of cavefish populations in Missouri as detailed in Dr. A. V. Brown's petition to the Service.

To qualify as endangered, a species must be in danger of extinction throughout all or a significant portion of its range. Our data do not indicate the Ozark cavefish is in danger of extinction within a significant portion of its range. The Service does believe this species is likely to become endangered within the foreseeable future in a significant portion of its range, especially in Missouri, unless it is protected by listing. Dr. Brown's petition included as historic populations of cavefish some unconfirmed instances where cavefish had been reported. There were also some cases where the individuals reported to have seen cavefish in specific caves had been misunderstood or misquoted to Dr. Brown and his investigators. As a result of this misleading information, Dr. Brown reported 26 historic populations in Missouri with four of these surviving. The Service survey determined that two additional populations were surviving. Two of the six known populations appear very small and may be declining further. At present, based on all available data, the Service believes the Ozark cavefish is a threatened species.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Ozark cavefish should be classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Ozark cavefish (*Amblyopsis rosae*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The sinkholes found in the soluble limestone bedrocks in the Ozark cavefish range make this species especially susceptible to contamination. Development of the Greene County, Missouri, area has resulted in highly hazardous water contamination in this portion of Ozark cavefish range (Aley, 1982). The documentation of high levels of nickel in one cave system in Greene County supports this finding (Jones, pers. comm.). Pollution of cave stream systems in rural areas due to highway, railroad, and pipeline spills; landfills and dump discharges; human and animal waste disposal; and the use of toxic chemicals, is an ever present threat. In Greene County, Missouri, only one of seven historic populations remains and it is very small.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The low reproductive abilities, confined habitat, and inability to elude captors make the Ozark cavefish very vulnerable to overutilization. Offers to purchase cavefish have appeared in various publications. Pet stores often display blind cavefish for sale to aquarists. There are several documented instances of scientific collectors taking large numbers of Ozark cavefish. A scientific collection in the 1930's from one Arkansas cave may be responsible for reducing that population to a very low level, and in recent years only an occasional cavefish has been observed (Aley and Aley, 1979).

C. *Disease or predation.* Disease in Ozark cavefish has not been studied, but it is reasonable to assume that they are susceptible to disease outbreaks, especially when the water quality deteriorates. Predation may pose a more significant threat. Raccoons and epigean fishes are known to prey upon cavefish as are salamanders and cave crayfish. Raccoons are known to venture for great distances in caves feeding upon whatever they catch. There is one observation of a smallmouth bass entering a cave for a distance of ½ mile (Willis, pers. comm.). The use of cave water systems for trout hatcheries increases the density and probability of trout entering the cave and feeding upon cavefish.

D. *The inadequacy of existing regulatory mechanisms.* Current regulations protecting this cavefish are limited to the nongame regulations of the concerned States. These regulations require a permit for collecting fish species. Enforcement of the permit restrictions is very difficult and often nonexistent. This can result in the taking of the species by individuals if they can gain entrance to a cave system inhabited by the Ozark cavefish.

E. *Other natural or manmade factors affecting its continued existence.* The energy source supporting the food supply in a cave is limited in diversity and quantity. The loss of diminution of this energy source affects the existence of the Ozark cavefish. The better populations of this cavefish occur in caves used by the endangered gray bat (*Myotis grisescens*), where bat guano is the primary energy source (Poulson, 1963). The decline of bat populations in caves where Ozark cavefish occur is probably followed by a decline in the cavefish populations. The low reproductive capabilities and apparent small populations are natural limitations to the ability of this species to recover from any adversity.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the Ozark cavefish as threatened. Threatened designation is more appropriate because this cavefish still exists throughout much of its historic range with the decline in numbers in much of the range the result of collecting and human disturbance. However, it does not appear to be in danger of extinction throughout all or a significant portion of its range. The reasons for not designating critical habitat may be found in the "Critical Habitat" section of this rule.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. This finding is based upon the susceptibility of the Ozark cavefish to over-collecting if specific sites are identified. Publication of critical habitat descriptions would make this species even more vulnerable and increase enforcement problems. Therefore, it would not be prudent to determine critical habitat for the Ozark cavefish at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in

conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such recovery actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the service. From information received during preparation of the proposed rule and from comments on the proposed rule, we do not expect or know of any Federal involvement with this species except for law enforcement activities.

The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. With respect to the Ozark cavefish, all prohibitions of section 9(a)(1) of the Act, as implemented by § 17.31, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Aley, T. 1982. Effects on water resources of planned land development in the vicinity of the Springfield Regional Airport. A Synopsis for the Utility Committee, Springfield Area Chamber of Commerce, Springfield, Missouri. 10 pp.

Aley, T., and C. Alley. 1979. Prevention of adverse impacts on endangered, threatened, and rare animal species in Benton and Washington Counties, Arkansas. Contract report for the Northwest Arkansas Regional Planning Commission. 35 pp.

Brown, A.V., K.B. Brown, L.D. Willis, and P.P. Brussock. 1982. Distribution and abundance of the Ozark cavefish *Amblyopsis rosae* (Eigenmann) in Missouri. Contract report for the Missouri Department of Conservation, Springfield. 20 pp.

Mayden, R., and F. Cross. (In Press). Re-evaluation of Oklahoma records of the southern cavefish. Southwestern Naturalist.

Poulson, T.L. 1961. Cave adaptations in Amblyopsid fishes. Ph.D. Dissertation Univ. of Mich. Univ. Microfilm International, Ann Arbor, Michigan 185 pp.

Woods, Loren P. and Robert F. Inger. 1957. The cave, spring and swamp fishes of the family Amblyopsidae of central and eastern United States. Amer. Midl. Nat. 58:232–256.

Author

The primary author of this final rule is Mr. James H. Stewart, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213 (601/960–4900 or FTS 490–4900).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following, in alphabetical order, under "FISHES" to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes							
*	*	*	*	*	*	*	*
Cavefish, Ozark	Amblyopsis rosae.	U.S.A. (AR, MO, OK).	Entire	T	164	NA	NA.
*	*	*	*	*	*	*	*

Dated: October 12, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-28812 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 49, No. 213
Thursday, November 1, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Extracted Honey

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Extracted Honey. The proposed rule was developed by the United States Department of Agriculture (USDA) at the request of major segments of the honey industry. This proposed rule would: (1) Provide for the addition of a style for strained honey; (2) expand and update the values for soluble solids; (3) remove the screen test method for the determination of defects; (4) change the tolerance for color designations to be in line with the tolerance for grade determinations; (5) replace dual grade nomenclature with single letter grade designations; and (6) change the format of the standards to include definitions of terms and easy to read tables. Its effect would be to improve the standards and promote orderly and efficient marketing of extracted honey.

DATE: Comments must be received on or before December 31, 1984.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Floyd M. Haugen, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447–6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The present grade standards for extracted honey were last revised in 1951 with no specific provisions for alternate styles. Recent marketing trends indicate a need for a style of product resembling natural honey after extraction from the comb. With this style, clarification by extensive filtering would not be necessary. The current grade standards provide no quality designations that apply to this less clarified style without seriously penalizing the grade. Honey producers, through the Honey Industry Council of America, Incorporated, have requested the USDA to revise the voluntary U.S. Standards for grades of Extracted Honey with provisions for a new style. The proposal would retain the present style of "filtered" honey and add a new style of "strained" honey permitting pollen grains and other fine particles in the product.

The proposed revision would expand the present table of refractive indices, corresponding percent soluble solids, and percent moisture. The table would include values for percent moisture from 13.0 percent to 21.9 percent in increments of a tenth of a percent. In addition, some refractive indices would be changed to bring the table in alignment with current values published by the Association of Offical Analytical Chemists (AOAC).

This proposal would remove the present method of straining honey through a fine grid screen for the determination of defects. The removal of this cumbersome technique would allow other procedures to be used that produce similar results.

The present grade standards allow deviations from the color designation to be one sixth of the sample units examined for each lot of honey. Other deviations that may be present for either qualtiy or analytical factors are based on a statistical concept for acceptance. The proposed revision would align allowances for all deviations, where permitted, with the acceptance criteria for grade determination as outlined in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain other Processed Food Products" (CFR 52.1–52.83).

This proposal would implement the current policy of replacing dual grade nomenclature with single letter designations. Under the proposal, "U.S. Grade A" or "U.S. Fancy," "U.S. Grade B" or "U.S. Choice," "U.S. Grade C" or "U.S. Standard," and "U.S. Grade D" or "Substandard" would simply become "U.S. Grade A," "U.S. Grade B," "U.S. Grade C," and "Substandard," respectively.

The proposed change would also provide a uniform format consistent with recent revisions of other U.S. grade standards. The proposed format has been designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy to read tables have been incorporated to assure a better understanding and a uniform application of the standards.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

Accordingly, the proposed revision of Subpart-United States Standards for Grades of Extracted Honey (7 CFR 52.1391 through 52.1405) would read as follows:

Subpart—United States Standards for Grades of Extracted Honey

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended (7 U.S.C. 1622, 1642).

Subpart—United States Standards for Grades of Extracted Honey

§ 52.1391 Product description.

Extracted honey (hereinafter referred to as honey) is honey that has been separated from the comb by centrifugal force, gravity, straining, or by other means.

§ 52.1392 Types.

The type of extracted honey is not incorporated in the grades of the finished product since the type of extracted honey, as such, is dependent upon the method of preparation and processing, and therefore is not a factor of quality for the purpose of these grades. Extracted honey may be prepared and processed as one of the following types:

(a) *Liquid honey.* Liquid honey is honey that is free from visible crystals.

(b) *Crystallized honey.* Crystallized honey is honey that is solidly granulated or crystallized, irrespective of whether candied, fondant, creamed, or spread types of crystallized honey.

(c) *Partially crystallized honey.* Partially crystallized honey is honey that is a mixture of liquid honey and crystallized honey.

§ 52.1393 Styles.

(a) *Filtered.* Filtered honey is honey of any type defined in these standards that has been filtered to the extent that all or most of the fine particles, pollen grains, air bubbles, or other materials normally found in suspension, have been removed.

(b) *Strained.* Strained honey is honey of any type defined in these standards that has been strained to the extent that most of the particles, including comb, propolis, or other defects normally found in honey, have been removed. Grains of pollen, small air bubbles, and very fine particles would not normally be removed.

§ 52.1394 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Absence of defects* means the degree of freedom from particles of comb, propolis, or other defects which may be in suspension or deposited as sediment in the honey. Classifications for the factor of quality, absence of defects, are:

(1) *Practically free*—the honey contains practically no defects that affect the appearance or edibility of the product.

(2) *Reasonably free*—the honey may contain defects which do not materially affect the appearance or edibility of the product.

(3) *Fairly free*—the honey may contain defects which do not seriously affect the appearance or edibility of the product.

(b) *Air bubbles* mean small visible pockets of air in suspension that may be numerous in the honey. Air bubbles in suspension contribute to the lack of clarity in filtered style.

(c) *Aroma* means the fragrance or odor of the honey.

(d) *Clarity* means, with respect to filtered style only, the apparent transparency or clearness of honey to the eye and to the degree of freedom from air bubbles, pollen grains, or other fine particles of any material suspended in the product. Classifications for the factor of quality, clarity, are:

(1) *Clear*—the honey may contain air bubbles which do not materially affect the appearance of the product and may contain a trace of pollen grains or other finely divided particles of suspended material which do not affect the appearance of the product.

(2) *Reasonably clear*—the honey may contain air bubbles, pollen grains, or other finely divided particles of suspended material which do not materially affect the appearance of the product.

(3) *Fairly clear*—the honey may contain air bubbles, pollen grains, or other finely divided particles of suspended material which do not materially affect the appearance of the product.

(e) *Comb* means the wax like cellular structure that bees use for retaining their brood or as storage for pollen and honey. Fine particles of comb in suspension are defects and contribute to the lack of clarity in filtered style.

(f) *Crystallization* means honey in which crystals have been formed.

(g) *Flavor and aroma* means the degree of taste excellence and aroma for the predominant floral source. Classifications for the factor of quality, flavor and aroma, are:

(1) *Good flavor and aroma for the predominant floral source*—the product has a good, normal flavor and aroma for the predominant floral source or, when blended, a good flavor for the blend of floral sources and the honey is free from caramelized flavor or objectionable flavor caused by fermentation, smoke, chemicals, or other causes with the exception of the predominant floral source.

(2) *Reasonably good flavor and aroma for the predominant floral source*—the product has a reasonably good, normal flavor and aroma for the predominant floral source or, when blended, a reasonably good flavor for the blend of floral sources and the honey is practically free from caramelized flavor and is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes with the exception of the predominant floral source.

(3) *Fairly good flavor and aroma for the predominant floral source*—the product has a fairly good, normal flavor and aroma for the predominant floral source or, when blended, a fairly good flavor for the blend of floral sources and the honey is reasonably free from caramelized flavor and is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes with the exception of the predominant floral source.

(h) *Floral source* means the flower from which the bees gather nectar to make honey.

(i) *Granulation* means the initial formation of crystals in the honey.

(j) *Pfund color grader* means a color grading device used by the honey industry. It is not the officially approved device for determining color designation when applying these United States grade standards for the color of honey.

(k) *Pollen grains* mean the granular, dustlike microspores that bees gather from flowers. Pollen grains in suspension contribute to the lack of clarity in filtered style.

(l) *Propolis* means a gum that is gathered by bees from various plants. It may vary in color from light yellow to dark brown. It may cause staining of the comb or frame and may be found in extracted honey.

§ 52.1395 Recommended sample unit sizes.

(a) Determination of color designation—60 g (2.1 oz).

(b) Factors of quality and anaylsis—100 g (3.5 oz).

§ 52.1396 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with honey as full as practicable, and with respect to containers of one gallon or less, the honey shall occupy not less than 95 percent of the total capacity of the container.

§ 52.1397 Color.

The color of extracted honey is not a factor of quality for the purpose of these grades.

§ 52.1398 Color designations.

(a) The color designation of extracted honey is determined (after adjusting for cloudiness in the honey) by means of the USDA approved color standards in accordance with the range as given in Table I.

(b) The respective color designations, applicable range of each color, color range on the Pfund scale, and optical density of freshly prepared caramel-glycerin solutions are shown in Table I.

Table I.—Color Designations of Extracted Honey

USDA color standards designations	Color range USDA color standards	Color range pfund scales millimeters	Optical density [1]
Water white	Honey that is water white or lighter in color	8 or less	0.0945
Extra white	Honey that is darker than water white, but not darker than extra white in color	Over 8 to and including 17	.189
White	Honey that is darker than extra white, but not darker than white in color	Over 17 to and including 34	.378
Extra light amber	Honey that is darker than white, but not darker than extra light amber in color	Over 34 to and including 50	.595
Light amber	Honey that is darker than extra lkight amber, but not ddarker than light amber in color.	Over 50 to and including 85	1.389
Amber	Honey that is darker than light amber, but not darker than amber in color	Over 85 to and including 114	3.008
Dark amber	Honey that is darker than amber in color	Over 114	

[1] Optical Density (absorbance)=$\log_{10}$ (100/percent transmittance), at 560 nm for 3.15 cm thickness for caramel-glycerin solutions measured versus an equal cell containing glycerin.

§ 52.1399 Tolerance for the designations of color of officially drawn samples.

When designating the color of samples that have been officially drawn and which represent a specific lot of honey, the lot shall be considered as one color if the number of containers with honey comprised of a darker color does not exceed the applicable acceptance number indicated in the sampling plans contained in 7 CFR 52.38 of the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products:" Provided, however, that the honey in none of the containers falls below the next darker color designation. Applicable sampling plans and acceptance numbers are shown in Table II.

TABLE II.—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBERS

Sample size (number of sample units)	3	6	3	21	29
Acceptance No	0	1	2	3	4

§ 52.1400 Grades.

(a) *U.S. Grade A* is the quality of extracted honey that meets the applicable requirements of Table IV or V, and has a minimum total score of 90 points.

(b) *U.S. Grade B* is the quality of extracted honey that meets the applicable requirements of Table IV or V, and has a minimum total score of 80 points.

(c) *U.S. Grade C* is the quality of extracted honey that meets the applicable requirements of Table IV or V, and has a minimum total score of 70 points.

(d) *Substandard* is the quality of extracted honey that fails to meet the requirements of U.S. Grade C.

§ 52.1401 Determining the grade.

Determining the grade from the factors of quality and analysis.

(a) For the factor of analysis, the soluble solids content of extracted honey is determined by means of the refractometer at 20 °C (68 °F). The refractive indices, corresponding percent soluble solids, and percent moisture are shown in Table III. The moisture content of honey and percent soluble solids may be determined by any other method which gives equivalent results.

(b) For the factors of quality, the grade of extracted honey is determined by considering, in conjunction with the requirements of the various grades, the respective ratings for the factors of flavor and aroma, absence of defects, and clarity (except the factor of clarity is excluded for the style of strained).

(c) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Flavor and aroma	50
Absence of defects	40
Clarity	10
Total score	100

(d) The factor of clarity for the style of strained extracted honey is not based on any detailed requirements and is not scored. The other two factors (flavor and absence of defects) are scored and the total is multiplied by 100 and divided by 90, dropping any fractions to determine the total score.

(e) Crystallized honey and partially crystallized honey shall be liquified by heating to approximately 54.4 °C (130 °F) and cooled to approximately 20 °C (68 °F) before determining the grade of the product.

§ 52.1402 Determining the rating for each factor.

The essential variations within each factor are so described that the value may be determined for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, 37 to 40 points means 37, 38, 39, or 40 points) and the score points shall be prorated relative to the degree of excellence for each factor.

§ 52.1403 Requirements for grades.

TABLE III.—REFRACTIVE INDICES, CORRESPONDING PERCENT SOLUBLE SOLIDS, AND PERCENT MOISTURE IN EXTRACTED HONEY [1]

Refractive index at 20 °C (range)	Percent soluble solids	Percent moisture
1.4817–1.4818	78.1	21.9
1.4819–1.4820	78.2	21.8
1.4821–1.4823	78.3	21.7
1.4824–1.4825	78.4	21.6
1.4826–1.4828	78.5	21.5
1.4829–1.4830	78.6	21.4
1.4831–1.4833	78.7	21.3
1.4834–1.4835	78.8	21.2
1.4836–1.4838	78.9	21.1
1.4839–1.4840	79.0	21.0

TABLE III.—REFRACTIVE INDICES, CORRESPONDING PERCENT SOLUBLE SOLIDS, AND PERCENT MOISTURE IN EXTRACTED HONEY [1]—Continued

Refractive index at 20 °C (range)	Percent soluble solids	Percent moisture
1.4841–1.4843	79.1	20.9
1.4844–1.4845	79.2	20.8
1.4846–1.4848	79.3	20.7
1.4849–1.4850	79.4	20.6
1.4851–1.4853	79.5	20.5
1.4854–1.4855	79.6	20.4
1.4856–1.4858	79.7	20.3
1.4859–1.4860	79.8	20.2
1.4861–1.4863	79.9	20.1
1.4864–1.4865	80.0	20.0
1.4866–1.4868	80.1	19.9
1.4869–1.4870	80.2	19.8
1.4871–1.4873	80.3	19.7
1.4874–1.4875	80.4	19.6
1.4876–1.4878	80.5	19.5
1.4879–1.4880	80.6	19.4
1.4881–1.4883	80.7	19.3
1.4884–1.4885	80.8	19.2
1.4886–1.4888	80.9	19.1
1.4889–1.4890	81.0	19.0
1.4891–1.4893	81.1	18.9
1.4894–1.4896	81.2	18.8
1.4897–1.4898	81.3	18.7
1.4899–1.4901	81.4	18.6
1.4902–1.4903	81.5	18.5
1.4904–1.4906	81.6	18.4
1.4907–1.4908	81.7	18.3
1.4909–1.4911	81.8	18.2
1.4912–1.4913	81.9	18.1
1.4914–1.4916	82.0	18.0
1.4917–1.4918	82.1	17.9
1.4919–1.4921	82.2	17.8
1.4922–1.4923	82.3	17.7
1.4924–1.4926	82.4	17.6
1.4927–1.4929	82.5	17.5
1.4930–1.4932	82.6	17.4
1.4933–1.4934	82.7	17.3
1.4935–1.4936	82.8	17.2
1.4937–1.4939	82.9	17.1
1.4940–1.4941	83.0	17.0
1.4942–1.4944	83.1	16.9
1.4945–1.4946	83.2	16.8
1.4947–1.4949	83.3	16.7
1.4950–1.4951	83.4	16.6
1.4952–1.4954	83.5	16.5
1.4955–1.4957	83.6	16.4
1.4958–1.4959	83.7	16.3
1.4960–1.4962	83.8	16.2
1.4963–1.4964	83.9	16.1
1.4965–1.4967	84.0	16.0
1.4968–1.4969	84.1	15.9
1.4970–1.4972	84.2	15.8
1.4973–1.4975	84.3	15.7
1.4976–1.4977	84.4	15.6
1.4978–1.4980	84.5	15.5
1.4981–1.4982	84.6	15.4
1.4983–1.4984	84.7	15.3
1.4985–1.4987	84.8	15.2
1.4988–1.4990	84.9	15.1
1.4991–1.4993	85.0	15.0
1.4994–1.4995	85.1	14.9
1.4996–1.4998	85.2	14.8
1.4999–1.5000	85.3	14.7
1.5001–1.5003	85.4	14.6
1.5004–1.5005	85.5	14.5
1.5006–1.5008	85.6	14.4
1.5009–1.5011	85.7	14.3
1.5012–1.5013	85.8	14.2
1.5014–1.5016	85.9	14.1
1.5017–1.5018	86.0	14.0
1.5019–1.5021	86.1	13.9
1.5022–1.5024	86.2	13.8
1.5025–1.5026	86.3	13.7
1.5027–1.5029	86.4	13.6
1.5030–1.5031	86.5	13.5
1.5032–1.5034	86.6	13.4
1.5035–1.5037	86.7	13.3
1.5038–1.5039	86.8	13.2
1.5040–1.5042	86.9	13.1
1.5043–1.5044	87.0	13.0

[1] Temperature corrections: If refractometer reading is made at temperature above 20 °C (68 °F), add 0.00023 to the refractive index for each degree C, or 0.00013 for each degree F. If made below 20 °C (68 °F), subtract correction. The moisture content of honey and equivalent values may be determined by any other method which gives equivalent results.

TABLE IV.—FILTERED STYLE

[Analytical quality]

Factors	Grade A	Grade B	Grade C	Substandard
Percent soluble solids (minimum)	81.4	81.4	80.0	Fails Grade C.
Absence of defects	Practically free—practically none that affect appearance or edibility.	Reasonably free—do not materially affect appearance or edibility.	Fairly free—do not seriously affect the appearance or edibility.	Fails Grade C.
Score points	37–40	34–36 [1]	31–33 [1]	0–30.[1]
Flavor and aroma	Good—free from caramelization, smoke, fermentation, chemicals, and other causes.	Reasonably good—practically free from caramelization; free from smoke, fermentation, chemicals, and other causes.	Fairly good—reasonably free from caramelization; free from smoke, fermentation, chemicals, and other causes.	Poor—Fails Grade C.
Score points	45–50	40–44 [1]	35–39 [1]	0–34.[1]
Clarity	Clear—may contain air bubbles that do not materially affect the appearance; may contain a trace of pollen grains or other finely divided particles in suspension that do not affect appearance.	Reasonably clear—may contain air bubbles, pollen grains, or other finely divided particles in suspension that do not materially affect the appearance.	Fairly clear—may contain air, bubbles, pollen grains, or other finely divided particles in suspension that do not seriously affect the appearance.	Fails Grade C.
Score points	8–10	6–7	4–5 [1]	0–3.[2]

[1] Limiting rule—sample units with score points that fall in this range shall not be graded above the respective grade regardless of the total score.
[2] Partial limiting rule—sample units with score points that fall in this range shall not be graded above U.S. Grade C regardless of the total score.

TABLE V.—STRAINED STYLE

[Analytical quality]

Factors	Grade A	Grade B	Grade C	Substandard
Percent Soluble Solids (Minimum).	81.4	81.4	80.0	Fails Grade C.
Absence of defects	Practically free—practically none that affect appearance or edibility.	Reasonably free—do not materially affect the appearance or edibility.	Fairly free—do not seriously affect the appearance or edibility.	Fails Grade C.
Score points	37–40	34–36 [1]	31–33 [1]	0–30.[1]
Flavor and aroma	Good—free from caramelization, smoke, fermentation, chemicals, and other causes.	Reasonably good—practically free from caramelization; free from smoke, fermentation, chemicals, and other causes.	Fairly good—reasonably free from caramelization; free from smoke, fermentation, chemicals, and other causes.	Poor—Fails Grade C.
Score Points	45–50	40–44 [1]	35–39 [1]	0–34.[1]

[1] Limiting rule—sample units with score points that fall in this range shall not be graded above the respective grade regardless of the total score.

§ 52.1404 Sample size.

The sample size to determine meeting the requirements of these standards shall be as specified in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1–52.83) for lot grading and on-line grading, as applicable.

§ 52.1405 Determining the grade of a lot.

A lot of extracted honey is considered as meeting the requirements for quality and analysis if:

(a) The requirements specified in Table IV and V, as applicable, are met; and

(b) The requirements for the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain

Other Processed Food Products" (7 CFR 52.1–52.83) are met.

Done at Washington, D.C., on: October 29, 1984.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 84–28845 Filed 10–31–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Maryland Permanent Regulatory Program; Review of State Program Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening and extension of public comment period.

SUMMARY: OSM is reopening the period for review and comment on an amendment submitted by the State of Maryland to its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on revisions submitted by Maryland on October 5, 1984, to its proposed blaster training, examination and certification program initially submitted on May 28, 1984. The revisions are intended to address concerns raised during the review of the May 28, 1984, program amendment.

DATE: Written comments not received on or before 4:00 p.m. November 16, 1984 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: Maryland Administrative Record—Blaster Certification, 603 Morris Street, Charleston, West Virginia 25301.

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

FOR FURTHER INFORMATION CONTACT: Mr. John Heider, Acting Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION: Copies of the Maryland program amendment, the Maryland program and the administrative record on the Maryland program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20240, Telephone: (202) 343–7896

Maryland Department of Natural Resources, Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689–4136.

In addition, copies of the amendment are available for inspection and copying during regular business hours at the following locations: Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, Morgantown, West Virginia 26505, Telephone: (304) 291–4004.

The Maryland program was conditionally approved by the Secretary of the Interior on December 1, 1980 (45 FR 79430–79451). On February 18, 1982, following submission of program amendments to satisfy the conditions of program apporoval, the Maryland program was fully approved by the Secretary (47 FR 7214–7217). On May 28, 1984, the State of Maryland submitted to OSM an amendment to its approved permanent regulatory program to implement the blaster training, examination and certification requirements of 30 CFR 850 (Administrative Record No. MD 255). On July 16, 1984, OSM announced receipt of the amendment, procedures for public comment and an opportunity for a public hearing (49 FR 28741).

The proposed amendment consisted of proposed regulations governing the standards for certification of blasters and a proposed training and certification outline for blaster certification. In addition, information on previous training requirements was included.

On October 5, 1984, the State submitted revised proposed regulations and other information to address certain issues raised during the review of the May 28, 1984, proposed amendment. These issues were presented to the State in a letter from OSM dated September 6, 1984 (Administrative Record No. MD 274).

In accordance with the provisions of 30 CFR 732.15, OSM is seeking comments from the public on the adequacy of the proposed revisions.

In accordance with the provisions of 30 CFR 732.15, OSM is reopening the comment period to seek comments from the public on the adequacy of the proposed revisions to determine if they are no less effective than the Federal regulations.

List of Subjects in 30 CFR Part 920

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

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

Dated: October 26, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84–28826 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 938

Consideration of Amendments to the Pennsylvania Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on certain amendments submitted by the Commonwealth of Pennsylvania to its program for the regulation of surface coal mining and reclamation in the State. The amendments relate to Pennsylvania's program for blaster training and certification.

DATES: Written comments, data or other relevant information must be received on or before 4 p.m. December 3, 1984, to be considered. Comments submitted after this date may not necessarily be considered.

ADDRESS: Comments should be sent or hand-delivered to: Robert Biggi,

Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Harrisburg, Pennsylvania 17101; Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION: By a letter dated March 2, 1984, OSM received, pursuant to the 30 CFR 732.17 State program amendment procedures, a program amendment pertaining to blaster training and certification. On April 11, 1984, OSM published a notice in the **Federal Register** announcing receipt of the amendment to the Pennsylvania program and inviting public comment thereon (49 FR 14402-14403). The public comment period ended May 11, 1984. The public hearing scheduled for May 7, 1984, was not held because no one expressed a desire to present testimony.

In a letter dated September 12, 1984, OSM notified DER of its concerns pertaining to the amendment (See PA 531). In this letter, OSM advised DER of the necessary corrective action for the seven issues identified in our letter and gave DER an opportunity to clarify the amendment. The issues identified to DER pertain to the subject areas that must be included in a State's program, the examination, revocation of certification, protection of certificates and requirements to display a certificate.

On October 15, 1984, OSM received additional material from Pennsylvania pertaining to its amendment for blaster training and certification. This material consists of a letter that responds to each concern specified in the September 12, 1984 letter to DER, a revised "Blaster Training Outline", and a notice to accompany a Blaster's license.

OSM is reopening the comment period for an additional 30 days to allow the public sufficient time to review and comment on the above Pennsylvania amendments. Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations of why the commenter believes or does not believe that the proposed amendment includes provisions no less effective than the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Each requestor may receive, free of charge, one single copy of the proposed amendment from the Harrisburg Field Office listed under "**ADDRESSES.**"

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the SMCRA.

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

Dated: October 25, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84-28828 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[Docket No. 08-84-05]

Drawbridge Operation Regulations; Patout Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering a change to the regulation governing the operation of the swing span bridge over Patout Bayou, mile 0.4, on LA83 near Weeks, Iberia Parish, Louisiana by requiring that at least four hours advance notice be given for an opening of the draw. Presently, the draw is required to open on signal from 5:00 a.m. to 9:00 p.m. and on 12 hours advance notice from 9:00 p.m. to 5:00 a.m. This proposal is being made because of the infrequent requests for opening the draw. This action should relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw from 5:00 a.m. to 9:00 p.m., while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before December 17, 1984.

ADDRESS: Comments should be mailed to Commander (obr), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130. The comments and other material referenced in this notice will be available for inspection and copying at the Eighth Coast Guard District, Bridge Administration Branch, Room 1115, 500 Camp Street, New Orleans, Louisiana 70130. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Perry F. Haynes, Chief, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Perry Haynes, project manager, and Steve Crawford, project attorney.

Discussion of Proposed Regulations

Vertical clearance of the bridge in the closed position is 5.5 feet above high water and 8.0 feet above low water. Navigation through the bridge consists of crew and supply boats in support of oil operations. Data submitted by the Louisiana Department of Transportation and Development for the year 1983 show that this traffic through the bridge is as follows:

(1) In 1983, between 5:00 a.m. and 9:00 p.m., the period when the bridge now has to open on signal, there were 121 bridge openings—an average of 10.0 openings per month or an average of one opening every three days. In 1982, 1981, and 1980, there were 270, 132, and 324 openings, respectively, for the same time period.

(2) In 1983, between 9:00 p.m. and 5:00 a.m., the period when the bridge now is on 12 hours advance notice, there were no openings for navigation. This was equally true for 1982, 1981 and 1980.

Considering the few openings involved, the Coast Guard feels that the current on site attendance at the bridge is not warranted, and adoption of the four-hour advance notice for an opening will provide relief to the bridge owner, while still reasonably providing for the needs of navigation.

The advance notice for opening the draw would be given by placing a collect call at any time to the LDOTD District Office at Lafayette, Louisiana, telephone (318) 233-7404.

Economic Assessment and Certification

This proposed regulation is considered to be a non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that few vessels pass this bridge as evidenced by the 1983 bridge opening statistics which show that the bridge averages one opening about every three (3) days. These vessels can reasonably give four hours notice for a bridge opening by placing a collect call to the bridge owner at any time. Mariners requiring the bridge opening are mainly repeat users and scheduling their arrival at the bridge at the appointed time should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.485 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.485 Patout Bayou.

The draw of the S83 bridge, mile 0.4 near Weeks, shall open on signal if at least four hours notice is given.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: October 19, 1984.

W. H. Stewart,

Rear Admiral, U.S. Commander, Eighth Coast Guard District.

[FR Doc. 84-28803 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2707-6]

Approval and Promulgation of Implementation Plans, Michigan

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to remove its conditional approval of Michigan's State Implementation Plan (SIP) Rule 336.1606 and to fully approve this rule. The condition of approval of Rule 336.1606 required that the State either promulgate a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities and submit it to USEPA or demonstrate that allowable emissions resulting from the application of its existing rule with a 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of reasonably available control technology (RACT) as defined by USEPA's guidelines. USEPA believes that the State of Michigan has demonstrated that emission limits in Rule 336.1606 are equivalent to RACT for the Detroit Urban nonattainment area consisting of Wayne, Oakland, and Macomb Counties.

DATE: USEPA must receive comments on or before December 3, 1984.

ADDRESSES: Written comments should be sent to: (Please submit an original and five copies, if possible): Gary Gulezian, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

Copies of the State's submittal and additional information are available for review during normal business hours at (It is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037, before visiting the Region V office):

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48821

FOR FURTHER INFORMATION CONTACT: Toni Lesser, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May 6, 1980 (45 FR 29790), USEPA conditionally approved Michigan's Rule 336.1606 for Stage I control of volatile organic compounds (VOC) emissions from gasoline service stations. The condition required the State to promulgate a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities and submit it to USEPA or demonstrate that allowable emissions resulting from the application of its existing rule with a 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of USEPA's Control Technique Guidelines (CTG) presumptive RACT norm. This five percent equivalency test is based on a September 27, 1979, policy memorandum from G.T. Helms to Jack Divita, which states that if there is less than a five percent difference in allowable emissions between a State's proposed rule and USEPA's recommended RACT requirements as set forth in a Control Techniques Guideline, USEPA will consider there to be "no substantive difference" between the regulations and will approve the State regulation.

On May 15, 1984 (49 FR 20521), USEPA proposed to revoke its May 6, 1980, approval condition except for its applicability in the Detroit urban nonattainment area, consisting of Wayne, Oakland, and Macomb counties, because the State has an approved demonstration which provides for attainment of the Ozone National Ambient Air Quality Standards (NAAQS) by the end of 1982 in the other urban nonattainment areas subject to the rule. Therefore, this condition is no longer germane for the State of Michigan except in the Detroit urban nonattainment area.

Michigan's Rule 336.1606 requires all gasoline dispensing facilities having a throughput of greater than 250,000 gallons per year which are located in the Detroit metropolitan area, as defined in Table 61 of Rule 36.1606, to install and operate vapor balance equipment for use in controlling VOC emissions during storage tank loadings. Additionally, the Rule requires that facilities which have a throughput greater than 250,000 gallons per year and are located anywhere in Wayne, Oakland, or Macomb Counties install submerged fill equipment.

On March 8, 1984, the State of Michigan submitted a report which was designed to demonstrate that the emission reductions required by Rule 336.1606 in the total three county area are equivalent to emission reductions which would result from application of USEPA's recommended RACT limits in the urbanized portion of the three county area.

Under Michigan's analysis, the total VOC emission allowed under Rule 336.1606 in the three county area are 1,146 tons per year, compared with allowed emissions of 1,191 tons VOC per year based on USEPA's recommended RACT requirements.

USEPA believes that Michigan has adequately demonstrated that its Rule 336.1606 emission limits are equivalent to RACT for Wayne, Oakland and Macomb Counties. Therefore, USEPA proposes to remove its conditional approval of Rule 336.1606.

For further information on the specifics of the analysis, see USEPA's Technical Support Document of June 1, 1984, contains a detailed review of Michigan's RACT comparsion study.

All interested persons are invited to submit written comments on this proposed action. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action.

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

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 of the Clean Air Act, as amended, 42 U.S.C. 7410)

Dated: September 27, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-28809 Filed 10-31-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 52 and 81

[A-10-FRL-2707-7]

Approval and Promulgation of State Implementation Plans; Designation of Areas for Air Quality Planning Purposes; States of Idaho and Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: By Notice, EPA proposes to approve the redesignation of the Lewiston-Clarkston nonattainment area to attainment for Total Suspended Particulates (TSP) primary standards. The redesignation is based on documentation prepared jointly by the Idaho Department of Health and Welfare (IDHW) and the Washington State Department of Ecology (WDEOE), pursuant to Section 107(d) of the Clean Air Act. Air quality data and emission reductions achieved through implementation of control strategy measures support this redesignation. Further, this supporting documentation meets a condition on the approval of the Idaho SIP. This proposal is based on a draft SIP submittal, scheduled for final adoption by IDHW and WDOE in October 1984. Final approval will be based on submittal of an adopted revision that is not significantly different from the draft.

DATE: Comments must be postmarked on or before December 3, 1984.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch (10A-84-11), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Idaho, Department of Health and Welfare, 450 W. State Street, Statehouse, Boise, Idaho 83720.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Enviromental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532 Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-8577, (FTS) 399-8577.

SUPPLEMENTARY INFORMATION:

I. Introduction

Today's rulemaking is being processed in parallel with action at the IDHW and WDOE levels to formally adopt the redesignation of Lewiston-Clarkston and to submit to EPA a request for federal approval of this redesignation. This approach enables EPA to expedite the federal approval process by proposing approval with only a final draft submitted by the States. EPA will not publish final rulemaking on this subject until IDHW and WDOE complete adoption proceedings and formally submit to EPA a joint request to redesignate this area.

II. Background

On March 3, 1978 (43 FR 8962) EPA designated, pursuant to the requirements of section 107(d) of the Clean Air Act, all areas of the country as "attainment," "nonattainment," or "unclassifiable" in terms of meeting National Ambient Air Quality Standards (NAAQS). At that time, the Lewiston, Idaho-Clarkston, Washington, area was designated "nonattainment" for primary and secondary TSP standards in 40 CFR Part 81, Sections 313 and 348.

EPA approved with conditions, the Clarkston, Washington, attainment plan on June 5, 1980 (45 FR 37821). These conditions were removed on September 14, 1981 (46 FR 45607). Further, EPA approved the Idaho SIP, with conditions, on July 28, 1982. The condition relative to the Lewiston primary TSP nonattainment area required: (1) Updated air quality, emissions, and attainment progress information for TSP primary standard attainment plans. Thus, the documentation which justifies this redesignation requested (i.e., updated air quality, emission, and attainment progress information) satisfies the condition regarding the Lewiston TSP nonattainment area.

IDHW and WDOE held a joint public hearing on September 12, 1984, to obtain public comment on an interstate action to redesignate the Lewiston-Clarkston nonattainment area. Both IDHW and WDOE are proposing to redesignate the area from nonattainment of both primary and secondary TSP standards to attainment for primary standards and nonattainment for secondary standards only. A final draft document supporting this action confirms that there have been no recorded violations of the TSP primary standard since 1981. Air quality has been steadily improving since 1980. Further, air quality improvements correspond to emission reductions achieved through implementing measures identified in the control strategy. A large kraft pulp mill and a wood products facility in Lewiston dominate the point source inventory for the area. The base year 1977 inventory shows total point source emissions of 4,030 tons per year with 3,240 of this from the one major source. By 1983, emissions from this source had been reduced by 67 percent to less than 1,000 tons per year. Further, major reductions from area sources were obtained in both cities. Revised winter sanding procedures in Lewiston have reduced emissions from paved roads by an estimated 650 tons per year. Paving ("seal-coating") of alleys and parking lots in Clarkston have reduced particulate emissions from this source by an estimated 300 tons per year. Air quality improved each year following major emission reductions.

III. Proposed Action

EPA proposes to redesignate the Lewiston, Idaho-Clarkston, Washington, TSP nonattainment area to attainment for primary TSP standards. The area will remain designated nonattainment for secondary TSP standards. In light of the information submitted by IDHW to support this redesignation, EPA also

proposes to remove the conditions on the Idaho SIP which relate to the Lewiston TSP attainment plan. This proposal is based on a draft SIP submittal and scheduled for final adoption by IDHW and WDOE in October 1984. Final approval will be based on submittal of an adopted revision that is not significantly different from the draft.

Interested parties are invited to comment on all aspects of this proposed approval of the redesignation and the Idaho SIP revision. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by December 3, 1984 will be considered in any final action EPA takes on this proposal.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Act and redesignations under section 107(d) of the Act will not have significant impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under section 110 and 172 and a redesignation under section 107(d) within the terms of the January 27, 1983 certification.

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

(Sections 107(d), 110(a), 172 and 301(a) of the Clean Air Act (42 U.S.C. 7407(d), 7410(a), 7502 and 7601(a)))

List of Subjects

40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

40 CFR Part 81

Air Pollution Control Agency, National Parks, Wilderness areas.

Dated: September 28, 1984.

L. Edwin Coate,

Acting Regional Administrator

[FR Doc. 84-28808 Filed 10-31-84; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 49, No. 213
Thursday, November 1, 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

Federal Grain Inspection Service

Designation Renewal of Aberdeen Grain Inspection, Inc. (SD), McGregor Grain Inspection and Weighing Corporation, Inc. (IA), and Missouri Department of Argiculture (MO)

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Aberdeen Grain Inspection, Inc. (Aberdeen), McGregor Grain Inspection and Weighing Corporation, Inc. (McGregor), and Missouri Department of Agriculture (Missouri), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as amended (Act).

EFFECTIVE DATE: December 1, 1984.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The June 1, 1984, issue of the **Federal Register** (49 FR 22840) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Aberdeen's, McGregor's, and Missouri's designations terminate on November 30, 1984, and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by July 2, 1984.

Aberdeen, McGregor, and Missouri were the only applicants for each respective designation.

FGIS announced the names of these applicants and requested comment on same in the August 6, 1984, issue of the **Federal Register** (49 FR 31309). Comments were to be postmarked by September 20, 1984.

No comments were received regarding Aberdeen's, McGregor's, and Missouri's designation renewal.

FGIS has evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act (7 U.S.C. 71 *et seq.*.), and in accordance with Section 7(f)(1)(B), has determined that Aberdeen, McGregor, and Missouri are able to provide official services in hte respective geographic areas for which their designations are being renewed. Each assigned area is the entire geographic area, as previously described in the June 1 **Federal Register** issue.

Effective December 1, 1984, and terminating November 30, 1987, Aberdeen, McGregor, and Missouri are responsible to provide official inspection services in their respective specified geographic areas.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection services and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring a licensed inspector to all locations within its geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of an agency's specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address:

Aberdeen Grain Inspection, Inc., 15 S. Dakota Street, P.O. Box 842, Aberdeen, SD 57401

McGregor Grain Inspection and Weighing Corporation, Inc., 125 B Street, P.O. Box 201, McGregor, IA 52157

Missouri Department of Agriculture, Missouri Department of Agriculture Building, 1616 Missouri Boulevard, P.O. Box 630, Jefferson City, MO 65102

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: October 19, 1984.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 84–28649 Filed 10–31–84; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Designation Applicants in the Geographic Areas Currently Assigned to Alabama Department of Agriculture and Industries (AL) and D.R. Schaal Agency (IA)

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the areas currently assigned to Alabama Department of Agriculture and Industries and D.R. Schaal Agency.

DATE: Comments to be postmarked on or before December 17, 1984.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above addresss during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The September 4, 1984, issue of the **Federal Register** (49 FR 34881) contained a notice from the Federal Grain Inspection Service requesting

applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the official agencies. Applications were to be postmarked by October 4, 1984.

Alabama Department of Agriculture and Industries and D.R. Schaal, doing business as D.R. Schaal Agency, the only applicants for each respective designation, requested designation for the entire geographic area currently assigned to each of those agencies.

This notice provides interested persons the opportunity to present their comments concerning the applicants for designation. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice, and postmarked not later than December 17, 1984.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: October 19, 1984.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 84–28650 Filed 10–31–84; 8:45 am]

BILLING CODE 3410–EN–M

Request for Designation Applicants To Perform Official Services in the Geographic Areas Currently Assigned to Denver Grain Exchange Association (CO), Lincoln Inspection Service, Inc. (NE), and Omaha Grain Inspection Service, Inc. (NE)

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), official agency designations shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each specified agency. The official agencies are Denver Grain Exchange Association, Lincoln Inspection Service, Inc., and Omaha Grain Inspection Service, Inc.

DATE: Applications to be postmarked on or before December 3, 1984.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Department Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area. Denver Grain Exchange Association (Denver), 6210 Brighton Blvd., Commerce City, CO 80022, Lincoln Inspection Service, Inc. (Lincoln), 505 Garfield Street, P.O. Box 2724, Station B, Lincoln, NE 68502, and Omaha Grain Inspection Service, Inc. (Omaha), 1905 Harney Street, 534 Grain Exchange Bldg., Omaha, NE 68102, were each designated under the Act as an offical agency to perform inspection functions on May 1, 1982.

Each agency's designation terminates on April 30, 1985,. Section 7(g)(1) of the Act states, generally, that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Denver, in the States of Colorado, Nebraska, and Wyoming, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

In Colorado, the entire State.

In Nebraska, the area shall be:

Bounded on the North by the northern Scotts County line; the northern Morrill County line east to Highway 385;

Bounded on the East by Highway 385 south to the northern Cheyenne County line; the northern and eastern Cheyenne County lines; the northern and eastern Deuel County lines;

Bounded on the South by the southern Deuel, Cheyenne, and Kimball County lines; and

Bounded on the West by the western Kimball, Banner, and Scotts Bluff County lines.

In Wyoming, Goshen and Platte Counties.

The following locations, outside of the foregoing contiguous geographic area are presently assigned to Denver and are part of this geographic area assignment: Albin Elevator, Albin; Farmers Coop, Burns; Carpenter Elevator, Carpenter; Pillsbury Company, Egbert; and Pine Bluffs Feed and Grain, Pine Bluffs; all in Larmie County, Wyoming.

Exceptions to the described geographic area are the following locations situated inside Denver's area which have been and will continue to be serviced by Hastings Grain Inspection, Inc.: Farmers Coop and Dayton Dorn Grain Company, both in Big Springs, Deuel County, Nebraska.

The geographic area presently assigned to Lincoln, in the States of Iowa and Nebraska, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Bounded on the North (in Nebraska) by the northern York, Seward, and Lancaster County lines; the northern Cass County line east to the Missouri River; the Missouri River south to U.S. Route 34; (in Iowa) U.S. Route 34 east to Interstate 29;

Bounded on the East by Interstate 29 south to the Fremont County line; the northern Fremont and Page County lines; the eastern Page County line south to the Iowa-Missouri State line; the Iowa-Missouri State line west to the Missouri River; the Missouri River south-southeast to the Nebraska-Kansas State line;

Bounded on the South by the Nebraska-Kansas State line west to County Road 1 mile west of U.S. Route 81; and

Bounded on the West (in Nebraska) by County Road 1 mile west of U.S. Route 81 north to the State Highway 8; State Highway 8 east to U.S. Route 81; U.S. Route 81 north to the Thayer County line; the northern Thayer County line east; the western Saline County line; the southern and western York County line.

Exceptions to the described geographic area are the following

locations situated inside Lincoln's area which have been and will continue to be serviced by Omaha Grain Inspection Service, Inc.:

1. Fremont Company Coop, McPaul, Fremont County, Iowa.

2. Lincoln Grain, Murray, Cass County, Nebraska.

The geographic area presently assigned to Omaha, in the States of Iowa and Nebraska, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Bounded on the North by Nebraska State Route 91 from the western Washington County line east to U.S. Route 30; U.S. Route 30 east to the Missouri River; the Missouri River north to Iowa State Route 175; Iowa State Route 175 east to Iowa State Route 37; Iowa State Route 37 southeast to the eastern Monona County line;

Bounded on the East by the eastern Monona County line; the southern Monona County line west to Iowa State Route 183; Iowa State Route 183 south to the Pottawattamie County line; the northern and eastern Pottawattamie County lines; the southern Pottawattamie County line west to M47; M47 south to Iowa State Route 48; Iowa State Route 48 south to the Montgomery County line;

Bounded on the South by the southern Montgomery County line; the southern Mills County line west to Interstate 29; Interstate 29 north to U.S. Route 34; U.S. Route 34 west to the Missouri River; the Missouri River north to the Sarpy County line (in Nebraska); the southern Sarpy County lines; the southern Saunders County line west to U.S. Route 77; and

Bounded on the West by U.S. Route 77 north to the Platte River; the Platte River southeast to the Douglas County line; the northern Douglas County line east; the western Washington County line northwest to Nebraska State Route 91.

The following locations, outside of the foregoing contiguous geographic area are presently assigned to Omaha and are part of this geographic area assignment:

1. Murren Grain, Elliot, Montgomery County, Iowa.

2. Hemphill Feed & Grain and Hansen Feed & Grain, Griswold, Cass County, Iowa.

3. Fremont Company Coop, McPaul, Fremont County, Iowa.

4. Lincoln Grain, Murray, Cass County, Nebraska.

5. Farmers Coop Business Assn., Rising City, Butler County, Nebraska.

6. Farmers Coop Business Assn., Shelby, Polk County, Nebraska.

Exceptions to the described geographic area are the following locations situated inside Omaha's area which have been and will continue to be serviced by Fremont Grain Inspection Department, Inc.: Farmers Cooperative and Krumel Grain and Storage, both in Wahoo, Saunders County, Nebraska.

Interested parties, including Denver, Lincoln, and Omaha, are hereby given opportunity to apply for designation as the official agency to perform the official services in the geographic areas, as specified above, under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designations in the specified geographic areas are for the period beginning May 1, 1985, and ending April 30, 1988. Parties wishing the apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for forms and information.

Applications submitted and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: October 19, 1984.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 84–28851 Filed 10–31–84; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Surveys in Manufacturing Area; Determination

In conformity with Title 13, United States Code (Sections 131, 182, 224, and 225), and with due notice having been published on July 20, 1984 (49 FR 29430), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Most of the following commodity or product surveys provide data on shipments or production; some provide data on stocks, unfilled orders, orders booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. These surveys are listed under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for use of Federal Government statistical agencies.

Annual Current Industrial Reports

Major Group 20—Food and Kindred Products

Confectionery

Major Group 22—Textile Mill Products

Broadwoven fabrics finished
Narrow fabrics
Yarn production
Knit fabric production

Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Men's and boys' outerwear
Women's and children's outerwear
Underwear and nightwear
Gloves and mittens

Major Group 24—Lumber and Wood Products, Except Furniture

Hardwood plywood
Softwood plywood
Lumber production and mills stocks

Major Group 25—Furniture and Fixtures

Office furniture

Major Group 26—Paper and Allied Products

Selected office supplies and accessories
Pulp, paper, and board

Major Group 27—Printing, Publishing, and Allied Industries

Business forms, binders, carbon paper, and inked ribbon

Major Group 28—Chemicals and Allied Products

Industrial gases
Inorganic chemicals
Pharmaceutical preparations, except biologicals
Sulfuric acid
Paints, varnish, and lacquer

Major Group 29—Petroleum Refining and Related Industries

Asphalt and tar roofing and siding products

Major Group 30—Rubber and Miscellaneous Plastics Products

Rubber
Plastics bottles
Rubber and plastics hose and belting

Major Group 31—Leather and Leather Products

Footwear (by method of construction)

Major Group 32—Stone, Clay, and Glass

Consumer, scientific, technical, and industrial glassware
Fibrous glass

Major Group 33—Primary Metal Industries

Steel mill products
Insulated wire and cable

Magnesium mill products
Nonferrous castings

Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Selected heating equipment

Major Group 35—Machinery, Except Electrical

Internal combustion engines
Tractors, except garden tractors
Farm machinery and lawn and garden equipment
Mining machinery and mineral processing equipment
Air-conditioning and refrigeration equipment, including warm air furnaces
Computers and office and accounting machines
Pumps and compressors
Selected industrial air pollution control equipment
Construction machinery
Anti-friction bearings
Fluid power products (including aerospace)
Coin-operated vending machines

Major Group 36—Electrical Machinery, Equipment, and Supplies

Radios, televisions, and phonographs
Motors and generators
Wiring devices and supplies
Switchgear, switchboard apparatus, relays, and industrials controls
Selected electronic and associated products, including telephone and telegraph apparatus
Electric housewares and fans
Electric lighting fixtures
Major household appliances
Transformers

Major Group 37—Transportation Equipment

Aircraft propellers
Aerospace

Major Group 38—Professional, Scientific, and Controlling Instruments; Photographic and Optical Watches and Clocks

Selected instrumentals and related products

Major Group 39—Miscellaneous Manufacturing Industries

Pens, pencils, and marking devices

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

Major Group 32—Stone, Clay, and Glass

Glass containers
Refractories

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments that are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

Major Group 20—Food and Kindred Products

Flour milling products

Major Group 22—Textile Mill Products

Broadwoven fabric (gray)
Consumption of wool and other fibers, and production of tops and noils
Carpet and rugs

Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Sheets, pillowcases, and towels

Major Group 32—Stone, Clay, and Glass

Glass containers
Refractories
Clay construction products
Flat glass

Major Group 33—Primary Metal Industries

Iron and steel castings
Inventories of steel mill shapes

Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Plumbing fixtures
Steel shipping drums and pails
Closures for containers

Major Group 35—Machinery, Except Electrical

Construction machinery
Metalworking machinery

Major Group 36—Electrical Machinery, Equipment, and Supplies

Fluorescent lamp ballasts
Electric lamps

Major Group 37—Transportation Equipment

New complete aircraft and aircraft engines, except military
Truck trailers

Annual Survey of Manufactures

The annual survey of manufactures will collect industry statistics such as total value of shipments, employment, payroll, work hours, capital expenditures, cost of materials consumed, gross book value of assets, retirements, and depreciation of fixed assets, rental payments, supplemental labor costs, and so forth. This survey, while conducted on a sample basis, will cover all manufacturing industries, including data on plants under construction but not yet in operation.

Annual Survey of Research and Development

A survey of research and development (R&D) activities is conducted. The major data obtained in this survey will include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

Annual Survey of Shipments to Federal Government Agencies

A survey of shipments to the Federal Government is conducted to provide information on the effect of Federal procurement on selected industries and geographic areas by Federal Government agencies.

Annual Survey of Pollution Abatement Costs and Expenditures

The annual survey of pollution abatement expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to abate air and water pollution and solid waste. this survey also will obtain the costs recovered from abatement activities and quantities of pollutants abated. For 1984, the survey collects information about assets in place for pollution abatement activities.

Annual Survey of Plant Capacity

The annual survey of plant capacity obtains information such as the amount of time a plant is in operation; operating rates as related to preferred levels and practical capacity; the value of production and other statistics for actual, preferred, and practical capacity operating levels; and the reasons for operating at less than capacity.

The report forms will be furnished to firms included in these surveys. Copies of survey forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that these annual surveys be conducted for the purpose of collecting the data as described.

Dated: October 26, 1984.

John G. Keane

Director, Bureau of the Census.

[FR Doc. 84-28821 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Issuance of Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Apparatex International Trading Company ("Apparatex"). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this amendment. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Export Trade Certificate of Review, application number 84–00021."

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202–377–0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–604 (March 11, 1983) (to be codified at 15 CFR pt. 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–40 (April 13, 1983).

Description of Certified Conduct

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Apparatex on June 6, 1984. The application was deemed submitted on June 7, 1984. A summary of the application was published in the **Federal Register** on June 21, 1984 (49 FR 25494–5). Based on analysis of the application and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Apparatex meet the four standards of the Act: Apparatex—Application No. 84–00021.

Export Trade

(a) Knit, woven and non-woven apparel, including sleepwear, outerwear, undergarments, jeans, slacks, shirts, and socks for infants, toddlers, children, girls and women, and boys and men, accessories and related textile products (the "Products").

(b) Export trade services (such as consulting, international market research, brokerage, negotiation of contracts, transportation, freight forwarding from point of origin to destination abroad, and trade documentation) in connection with the foregoing Products.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

(1) Apparatex may purchase and take title to Products from U.S. suppliers for resale in the Export Markets.

(2) Apparatex may, on its own behalf or as a purchasing agent for the buyer, fill orders from buyers in the Export Markets with Products from one or more U.S. suppliers.

(3) Apparatex may act as a broker for export sales by matching buyers in the Export Markets with U.S. suppliers.

(4) Apparatex may enter into exclusive and non-exclusive agreements with, individually or collectively, persons whereby those persons agree to act as agents, brokers, distributors, and other sales representatives in the Export Markets. Apparatex may include in these agreements customer, sales, territorial and resale price maintenance restrictions for the Export Markets.

(5) Apparatex may enter into non-exclusive agreements, each with a single U.S. supplier, to act as an export sales representative.

(6) Apparatex may, on behalf of itself, its members acting jointly or individual U.S. licensors, enter into licensing agreements, on an exclusive or non-exclusive basis, with persons in the Export Markets each such license granting the licensee the right to market or manufacture in the Export Markets the Products of a single U.S. supplier.

(7) Apparatex may broker licensing agreements, each between a single U.S. licensor (or the members acting jointly) and persons in the Export Markets, that grant the licensee the right to market or manufacture the Products of the licensor in the Export Markets.

(8) Apparatex may, on behalf of itself, its members acting jointly or individual U.S. suppliers, speculate on sales in the Export Markets by acquiring and shipping Products to the Export Markets prior to receiving orders from buyers in those markets.

(9) The members may act as suppliers to Apparatex.

For purposes of this certificate, "supplier" means a producer, seller, or other supplier of Products, and "persons" includes natural persons, corporations, partnerships, and all other legal entities.

Members

The William Carter Co., Stanwood Corporation, and Mr. Anthony J. Cascardi are "members" within the meaning of section 325.2(k) of the Regulations.

The Office of Export Trading Company Affairs is issuing this notice

pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the grounds that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR pt. 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202–377–3031.

Dated: October 26, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84-28769 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-DR-M

[C-201-406]

Preliminary Affirmative Countervailing Duty Determination; Fabricated Automotive Glass From Mexico

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers or exporters in Mexico of fabricated automotive glass. The estimated net bounty or grant is 2.61 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of fabricated automotive glass from Mexico which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit of bond on this merchandise in the amount equal to the estimated net bounty or grant.

If this investigation proceeds normally, we will make our final determination by January 9, 1985.

EFFECTIVE DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth Haldenstein or Peter Sultan, Office of Investigations, Import Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 377–4136 or 2815.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we have preliminarily determined that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers or exporters in Mexico of fabricated automotive glass, as described in the "Scope of Investigation" section of this notice. For purpose of this investigation, the following programs are preliminarily found to confer bounties or grants:

- Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX); and

- Preferential Federal Tax Incentives (CEPROF I).

We preliminarily determine the estimated bounty or grant to be the rate specified in the "Suspension of Liquidation" section of this notice.

Case History

On July 31, 1984, we received a petition from PPG Industries, Inc. Because certain U.S. fabricated automotive glass manufacturers indicated opposition to the investigation, we sought information to determine whether the petition was filed on behalf of the U.S. fabricated automotive glass industry, as required by section 702(b)(l) of the Act (19 U.S.C. 1671a(b)(l)). As authorized by section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)), we excluded Ford and Libbey-Owens-Ford from consideration as part of the domestic industry because they are major importers with substantial ownership interests in the exporting companies. Most of the U.S. manufacturers of fabricated automotive glass who are not excluded support the petition. Thus, we preliminarily determine that the petitioner has standing.

In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers or exporters in Mexico of fabricated automotive glass receive bounties or grants within the meaning of section 303 of the Act.

Since Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Although the subject merchandise is nondutiable, there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require an injury determination for nondutiable merchandise from Mexico. Therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of these products cause or threaten to cause material injury to a U.S. industry.

We presented a questionnaire concening the allegations to the Government of Mexico in Washington, D.C. on September 6, 1984. On October 9, 1984, we received responses to the questionnaire. We received a supplemental response on October 17, 1984.

Scope of Investigation

The merchandise covered by this investigation is "fabricated automotiive glass," specifically, laminated automotive glass currently classified in item 544.4120 of the *Tariff Schedules of the United States Annotated* (TSUSA) and tempered automotive glass currentrly classified under TSUSA item number 544.3100.

There are three known manufacturers which export fabricated automotives glass from Mexico to the United States. We have received information from the Government of Mexico regarding Vitro Flex, S.A. (Vitro Flex), Cristales Inastillables de Mexico (Crinamex), S.A., and L.N. Safety Glass, S.A. de C.V.

The period for which we are measuring benefits is the most recent fiscal or calendar year for which we have complete data, calendar year 1983. In their responses, the Government of Mexico and respondents provided data for the applicable period.

Analysis of Programs

Throughout this notice, we have applied to the facts of the current investigation general principles described in detail in the Subsidies Appendix of the "Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina"; FR 18006 (April 26, 1984). As per the Subsidies Appendix, we have used the national average commercial rate as the benchmark for short-term peso-denominated borrowing. For this purpose, we chose the nominal rate published monthly by the Banco de Mexico in the *Indicadores Economicos* ("IE rate"). These rates are the weighted averages of the rates charged by commercial banks on short-term pesco loans.

For short-term dollar-denominated loans, the benchmark used was the quarterly U.S. national weighted average rates for commercial and

industrial short-term loans with maturities of less than one year, as published in the *Federal Reserve Bulletin* ("Federal Reserve rate").

Based upon our analysis of the petition and the responses to our questionnaire, we preliminarily determine the following:

1. Programs Preliminarily Determined to Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers or exporters in Mexico of fabricated automotive glass under the following programs:

A. FOMEX

FOMEX is a trust established by the Government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions, which establish contracts for lines of credit with manufacturers and exporters. On July 27, 1983, FOMEX was formally incorporated into the National Bank of Foreign Trade.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX: (2) the company must have majority of Mexican capital: (3) the articles to be exported must have a minimum of 30 percent national content in direct production costs: (4) loans granted for pre-export must be in Mexican currency while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico: and (5) the exporter must carry insurance against commercial risks to the extent of the loans. During the review period, the maximum annual interest rate for FOMEX pre-export financing was 8 percent and for FOMEX export financing 6 percent.

During 1983 Vitro Flex and Crinamex received short-term pre-export financing from FOMEX for exports to the U.S. of the subject merchandise: Vitro Flex also received FOMEX export financing for such shipments. Since FOMEX financing provides loans for export-related purposes at interest rates significantly less than those for comparable commercially available loans, we preliminarily determine that this program a bounty or grant upon the exportation of fabricated automotive glass.

We used as our benchmark, for purposes of calculating the bounty or grant, the "IE" rate for peso-denominated loans and the Federal Reserve rate for dollar-denominated loans, as described *supra*. We allocated the benefit over the value of each company's U.S. exports of fabricated automotive glass and calculated a weighted-average bounty or grant in the amount of 1.80 percent *ad valorem*.

Crinamex received several FOMEX pre-export loans and several export loans during 1984. We believe that the 1984 loans, which show a greatly increased use of the program compared to 1983, represent a more accurate assessment of the subsidies being received by Crinamex. Therefore, we have calculated a rate based on these data and used this rate for calculating the duty deposit rate.

B. CEPROFI

CEPROFIs are tax credits used to promote National Development Plan (NDP) goals, which include increased employment, encouragement of regional decentralization, and industrial development, particularly of small—and medium-sized firms.

CEPROFI certificates are tax certificates of fixed value which may be used for a five-year period to pay federal taxes. Certain CEPROFI certificates are granted for carrying out investments in "priority" industrial activities: others are available to all industries on equal terms.

Vitro Flex received CEPROFIs for carrying out investments in priority industrial activities. These CEPROFIs were for investment to increase productivity. Because this type of CEPROFI is limited to a specific group of industries or to companies located in specific regions, we preliminarily determine that this program confers a bounty or grant.

Article 25 of the decree authorizing the issuance of CEPROFIs, published in the *Diario Oficial de la Federacion* (Diario Oficial) on March 6, 1979, provides for a 4 percent supervision fee. We determine that the 4 percent supervision fee is "paid in order to qualify for, or to receive" the CEPROFIs, and is therefore an allowable offset from the gross bounty or grant, as provided in section 771(6)(A) of the Act. Therefore, the benefit provided by CEPROFIs is the amount of the certificate received less the supervision fee.

We allocated the CEPROFI benefit over the total sales of Vitro Flex and determined a weighted-average bounty or grant in the amount of 0.81 percent *ad valorem*.

11. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs have not been used by manufacturers or exporters of fabricated automotive glass.

A Article 94 Loans

Under section 11 of Article 94 of the *General Law of Credit Institutions and Auxiliary Organizations* (the Banking Law), the Bank of Mexico establishes channels of credit to different sectors of economic activity. There are 12 categories of credit under section II.

Most categories carry their own maximum interest rate which is set by the Bank of Mexico. Loans granted under category 12 are targeted to exports of manufactured products. The maximum interest rate under this category is 8 percent. The Mexican government stated in its response that these loans were not used by the companies under investigation.

B. FOMEX Loans to U.S. Importers

U.S. customers of fabricated automotive glass were alleged to have received FOMEX loans. The Government of Mexico stated in its response that no U.S. customers of fabricated automotive glass received FOMEX loans.

C. National Preinvestment Fund for Studies and Projects (FONEP)

FONEP finances economic and technical feasibility studies as well as basic and detailed engineering projects. The Mexican government stated in its response that this program was not used by the companies under investigation. Loans to finance feasibility studies have been determined not to confer bounties or grants. (*See* Final Affirmative Countervailing Duty Determination on Bars and Shapes from Mexico, (49 FR 32887.)

D. Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN)

This program is aimed at developing industrial parks and cities. The Mexican government stated in its response that this program was not used by the companies under investigation.

E. Fondo Nacional de Fomento Industrial (FOMIN)

FOMIN operates as a trust fund, providing funding to certain small- and medium-size companies by either buying stock or providing loans at rates below those of commercial lending institutions. The Mexican government stated in its response that this program was not used by the companies under investigation.

F. Preferential Prices for Natural Gas, Oil and Electricity

Prices for natural gas, oil, and electricity in Mexico are set by the Mexican government: priority industries may be eligible for percent discounts of up to 30 percent. The Government of Mexico stated in its response that the fabricated automotive glass industry has not received price discounts for these items.

G. Fund For Industrial Development (FONE I)

FONE I is a specialized financial development fund, administered by the Bank of Mexico, which grants long-term credit at below-market rates for the creation, expansion or modernization of enterprises, in order to foster industrial decentralization and the efficient production of goods capable of competing in the international market. FONE I loans are available under various programs having different eligibility requirements. The Mexican government stated that this program was not used by the companies under investigation.

H. Import Duty Reductions and Exemptions

Manufacturers in Mexico may receive import duty reductions or exemptions on equipment used for production. The Mexican government stated that this program was not used by the companies under investigation.

I. Accelerated Depreciation Allowances

Certain manufacturers in Mexico may benefit from federal income tax reductions through accelerated depreciation. The Mexican government stated that this program was not used by the companies under investigation.

J. Guarantee and Development Fund for Medium and Small Industries (FOGAIN)

The FOGAIN program provides preferential financing at interest rates below prevailing commercial rates to all small- and medium-size firms in Mexico. Interest rates will vary depending upon: (a) Whether a small- or medium-sized business has a designated priority status, and (b) the geographical location of the business. The Mexican government stated that this program was not used by manufacturers of the subject merchandise.

K. Government Financed Technology Development

The National Development Plan provides grants to help firms acquire technology for new plants. The Mexican government stated that these grants have not been used by manufacturers of the subject merchandise.

L. Preferential State Investment Incentives

Mexican state or local government agencies may provide such benefits as tax incentives and infrastructure aid to Mexican companies. The Mexican government stated that this assistances has not been used by manufacturers of the subject merchandise.

M. Mexican Institute of Foreign Trade (IMCE)

IMCE promotes Mexican foreign trade with trade fairs and missions and technical assistance to exporters. The Mexican government stated that this assistance has not been used by manufacturers of the subject merchandise.

N. New Exchange Risks Trust Fund Program (FICORCA)

Petitioner alleged that producers of the subject merchandise benefitted from debt rescheduling under this program, which began on February 15, 1984 and covers foreign credits incurred after December 20, 1982. The Mexican government stated that this program has not been used by manufacturers of the subject merchandise.

III. Programs for Which Additional Information Is Needed

We preliminarily determine that more information is needed to determine whether the following programs conferred a bounty or grant on manufacturers or exporters of fabricated automotive glass.

A. Subsidized Glass Inputs

Petitioner alleged that manufacturers of the subject merchandise received benefits passed on from raw material suppliers that received assistance from the Government of Mexico. Specifically, the suppliers were alleged to have received preferential loans from the Mexican Trust for Non-Metallic Minerals. More information is needed to determine whether manufacturers of the subject merchandise received such benefits.

B. Bancomext Loans

Since the initiation of this investigation we have found loans from Bancomext to provide countervailable benefits in the Final Affirmative Countervailing Duty Determination on Lime from Mexico. We are therefore considering this program in this investigation. More information is needed to determine whether loans from Bancomext conferred a subsidy on manufacturers of the subject merchandise.

C. Loans from Nacional Financiera, S.A. (NAFINSA)

Loans from Nafinsa (a government bank) have been found countervailable in past investigations but were inadvertently left out of the initiation of this investigation. We are therefore considering this program in this investigation. More information is needed to determine whether loans from Bancomext conferred a subsidy on manufacturers of the subject merchandise.

Verification

In accordance with section 776(a) of the Act, we will verify information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of fabricated automotive glass from Mexico which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of this merchandise.

The net bounty or grant for duty deposit purposes is 2.61 percent, *ad valorem.*

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1 p.m. on November 29, 1984, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy for Policy to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted in at least 10 copies to the Deputy Assistant Secretary by November 21, 1984. Oral presentations will be limited to issues raised in the briefs.

Written comments should be submitted in accordance with 19 C.F.R. 355.33(d) and 355.34(a), within thirty days of publication of this notice, at the above address and in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-28846 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

Members of the North Pacific Fishery Management Council's Plan Team for Gulf of Alaska groundfish will meet on November 14–16, 1984, at the Northwest and Alaska Fisheries Center, NMFS, 7600 Sand Point Way, N.E., Seattle, WA. The public meeting will convene at 9 a.m., on November 14, in Room 2079, Building 4. The Plan Team will review the status of groundfish stocks in the Gulf of Alaska for 1985, discuss optimum yield options for the Gulf, expansion of the Regional Director's field order authority, and O-TALFF and O-JVP problems. For further information, contact Gary Stauffer, Northwest and Alaska Fisheries Center, NMFS, 7600 Sand Point Way, N.E., Seattle, WA 98115; telephone: (206) 526–4247.

Dated: October 26, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 84-28766 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-22-M

Taking of Marine Mammals; Modification No. 2 to Permit No. 267

Notice is hereby given that pursuant to the provisions of Section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) the Scientific Research Permit No. 267 issued to the Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149 on June 19, 1979 (44 F.R. 37024) as modified on April 28, 1982 (47 F.R. 19730), is further modified as follows:

Section B–2 is deleted and replaced by the following: "2. This Permit is valid with respect to the taking authorized herein until December 31, 1987.

This modification becomes effective upon publication in the **Federal Register.**

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

October 26, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-28768 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permit; Withdrawal of Aquarium Modification Request; Mystic Marinelife

On December 23, 1983, notice was published in the **Federal Register** (48 FR 56818), that a modification request had been filed with the National Marine Fisheries Service by Mystic Marinelife Aquarium, Mystic, Connecticut 06355 to import an additional beluga whale (*Delphinapterus leucas*) for public display under Permit No. 440 (48 FR 50145).

Notice is hereby given that the Mystic Marinelife Aquarium has withdrawn its Modification request since it could not be processed in time to meet their collection requirements.

Dated: October 26, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation National Marine Fisheries Service.

[FR Doc. 84-28849 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-22-M

Modification No. 1 to Marine Mammal Permit No. 404; Southwest Fisheries Center

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 404 issued to the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California, 92038 on February 2, 1983 (48 FR 6758) modified to include another locality.

Accordingly, Sections B–1 and B–2 are deleted and replaced by: "B–1. The research effort shall be conducted by the means, in the areas, and for the purposes set forth in the application and documents submitted with the modification request."

B–2. The Permit Holder shall notify the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 (796–2518) at least two weeks in advance of each field activity to determine the desirability of a NMFS observer and to coordinate tagging of animals at different islands so as to ensure a coastwide consistent approach to tag color codes.

This modification became effective on October 26, 1984.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 26, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-28847 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-22-M

Modification No. 1 to Marine Mammal Permit No. 369; Marine Animal Productions, Inc.

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 369 issued to Marine Animal Productions, Inc., 150 Debuys Road, Biloxi, Mississippi 39531, on February 25, 1982 (47 FR 9045), is modified to extend the period of authorized taking for two years.

Accordingly, Section B–7 is deleted and replaced by:

"7. This permit is valid with respect to the taking authorized herein until December 31, 1986."

This modification becomes effective upon publication in the **Federal Register.**

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: October 26, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-28848 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License; Pickle Packers International, Inc.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Pickle Packers International, Inc., having a place of business at St. Charles, Illinois, an exclusive right to practice the inventions embodied in U.S. Patent 4,352,827, "Altered Brining Properties of Produce by a Method of Pre-Brining Exposure of the Fresh Produce to Oxygen or Carbon Dioxide," and Patent Application Serial Number 6-539,028, "Selection Procedure for Obtaining Naturally Occurring Lactic Acid Bacteria or Their Mutants Which Do or Do Not Produce Carbon Dioxide from Malic Acid." The patent rights in these inventions have been assigned to the United States of America, as represented by the Secretary of Commerce.

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

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

Douglas J. Campion,

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

[FR Doc. 84-28783 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Limits for Certain Cotton Textile Products Produced or Manufactured in Mexico

October 29, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 2, 1984. For further information contact Ann Fields, International Trade Specialist (202) 377-4212.

Background

A CITA directive dated December 9, 1983 (48 FR 55606) established limits for certain specified categories of cotton, wool and man-made fiber textile products, including Category 347/348, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1984. The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, under the terms of which these limits were established, also includes provisions for the carryover of shortfalls from the previous agreement year in certain categories (carryover), for percentage increases in certain designated categories (swing), and for the borrowing of yardage from the subsequent agreement year with the amount used being deducted from the limit in that following year (carryforward). Under the foregoing provisions of the bilateral agreement and at the request of the Government of Mexico, the limit established for cotton trousers in Category 347/348 is being increased from 738,620 dozen to 871,572 dozen for goods exported during 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 29, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 9, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during 1984.[1]

Effective on November 2, 1984, paragraph 1 of the directive of December 9, 1984 is hereby further amended to include the following adjusted restraint limit for cotton textile products in Category 347/348:

Category	Adjusted restraint limit[1]
347/348	871,572 dozen of which not more than 522,944 dozen shall be in Cat. 347 and not more than 522,944 dozen shall be in Cat. 348.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1983.

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,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-28834 Filed 10-31-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection(d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Committee has been scheduled as follows:

[1] The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, provides, in part, that: (1) specific limits and sublimits may be exceeded by not more than seven percent for swing in any agreement period; (2) these same limits may be adjusted for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

DATES: Wednesday-Thursday, 9–10 January 1985, 9:00 a.m. to 5.00 p.m. each day.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Major Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373-4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

Patricia H. Means

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1984.

[FR Doc. 84-28859 Filed 10-31-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Defense Intelligence College; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College has been scheduled as follows:

DATES: Tuesday–Thursday, 27–29 November 1984, 9:00 a.m. to 4:00 p.m., 27 and 28 November, 9 a.m. to 11 a.m., 29 November.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. Degross, Provost, DIA, Defense Intelligence College, Washington, D.C. 20301–6111 (202/373–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1984.

[FR Doc. 84-28855 Filed 10-31-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Advisory Committee on Military Personnel Testing; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Defense Advisory Committee on Military Personnel Testing is scheduled to be held from 9:00 AM to 5:00 PM on 6 and 7 December 1984 at the Shelter Island Marina Inn; 2051 Shelter Island Drive; San Diego, California 92106.

The purpose of the meeting is to review the development of DoD's Student Testing Program. In addition, the Committee will review DoD's computerized adaptive testing (CAT) system, scheduled for nationwide implementation as the military operational selection and classification test in FY 1988.

Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. A. R. Lancaster, Executive Secretary, Defense Advisory Committee on Military Personnel Testing, Office of the Assistant Secretary of Defense (Manpower, Installations and Logistics), Room 2B271, The Pentagon, Washington, D.C. 20301–4000, telephone (202) 697–9271 no later than 15 November 1984.

Patricia Means,

OSD Federal Register Liaison Officer Department of Defense.

October 26, 1984.

[FR Doc. 84-28896 Filed 10-31-84; 8:45 am]

BILLING CODE 3810-01-M

U.S. Court of Military Appeals, Code Committee; Public Meeting

SUMMARY: This notice announces the forthcoming public meeting of the Code Committee established by Article 67(g), Uniform Code of Military Justice, 10 U.S.C. 867(g), to be held at 2:00 p.m. on November 27, 1984, in the Judge William Holmes Cook Conference Room at the Courthouse of the United States Court of Military Appeals, 450 E Street, NW., Washington, D.C., 20442. The agenda for this meeting will include various matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Services.

DATE: November 27, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas F. Granahan, Clerk of Court, United States Court of Military Appeals, telephone: (202) 272–1448.

Dated: October 26, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-28857 Filed 10-31-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review.

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Consumer Health Education Questionnaire

This information is needed to determine the health care needs of the population serviced by Air Force hospitals. The form is designed to capture the health education needs of that population. Knowledge of those needs will enable the Air Force to respond through improved health educational efforts.

Air Force Retired Members and Active Duty Air Force Adult Dependents

Responses 8,500

Burden hours 2,145

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Major John D. Labash,

HQ AFMSC/SGPH, Brooks AFB, TX 78235–5000, telephone (512) 536–3438.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1984.

[FR Doc. 28861 Filed 10-31-84; 8:45 am]

BILLING CODE 3810-01-M

USAF Scientific Advisory Board; Meeting

October 24, 1984.

Change of dates in meeting of the USAF Scientific Advisory Board Ad Hoc Committee on Terminal Guidance Technology Options published in **Federal Register** on October 22, 1984, 49 FR 41270, have been changed from November 29–30, 1984 to December 6–7, 1984. Everything else remains the same.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8404.

Norita C. Koritko,

Air Force Federal Register Liaison Office.

[FR Doc. 84-28784 Filed 10-31-84; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

October 24, 1984.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group will hold meetings on November 20, 1984 from 8:30 a.m. to 5:00 p.m. and on November 21, 1984 from 8:00 a.m. to 3:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Room 222, Building 14, Area B.

The Group will receive classified briefings and hold classified discussions on selected programs and projects relating to the missions of the Aeronautical Systems Division. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meeting will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-28786 Filed 10-31-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday & Wednesday, 4 & 5 December 1984 (Closed).

Times of Meeting: 1000–1630 hours, 4 December; 0830–1600 hours, 5 December (Closed both days).

Place: Science & Technology Associates, Arlington, Virginia.

Agenda: The Army Science Board Ad Hoc Subgroup on Nondevelopmental C^{3}I Items will meet in an Executive Session to work on the subgroup report. The purpose of the study is to effect an increase in the purchase of "off the shelf" equipment for the Army. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally Warner, may be contracted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-28816 Filed 10-31-84; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Monday & Tuesday, 19 & 20 November 1984.

Times of Meeting: 0930–1700 hours, 19 November and 0730–1500 hours, 20 November (Closed both days).

Place: SRI International, Menlo Park, California.

Agenda: The Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense Follow-On will meet for classified briefings and discussions on HEDS (High Endo-atmospheric Defense Systems). This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 84-28817 Filed 10-31-84; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Deletion of and Amendments to Notices for Systems of Records.

SUMMARY: The Department of the Army proposes to delete 4 and amend 14 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notices are printed below in their entirety.

DATE: This action shall be effective without further notice December 3, 1984, unless comments are received which would result in a contrary determination.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–S, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army, at the above address: telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: The Army's systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** as follows:

FR Doc. 83–12048 (48 FR 25502), June 6, 1983
FR Doc. 83–18883 (48 FR 32046), July 13, 1983
FR Doc. 83–24181 (48 FR 40291), September 6, 1983
FR Doc. 83–28792 (48 FR 49086), October 24, 1983
FR Doc. 84–1118 (49 FR 2006), January 17, 1984
FR Doc. 84–2331 (49 FR 3506), January 27, 1984
FR Doc. 84–3683 (49 FR 5170), February 10, 1984
FR Doc. 84–6438 (49 FR 8993), March 9, 1984
FR Doc. 84–11652 (49 FR 18600), May 1, 1984
FR Doc. 84–14035 (49 FR 22122), May 25, 1984
FR Doc. 84–15558 (49 FR 24045), June 11, 1984
FR Doc. 84–16178 (49 FR 24914), June 18, 1984
FR Doc. 84–16520 (49 FR 25499), June 21, 1984
FR Doc. 84–17271 (49 FR 26625), June 28, 1984
FR Doc. 84–18684 (49 FR 28754), July 16, 1984
FR Doc. 84–19506 (49 FR 29812), July 24, 1984
FR Doc. 84–25999 (49 FR 38967), October 2, 1984
FR Doc. 84–26337 (49 FR 39188), October 4, 1984
FR Doc. 84–27395 (49 FR 40637), October 17, 1984

The proposed amendments are not within the purview of the provisions of 5

U.S.C. 552a(o) which requires the submission of an altered system report.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1984.

DELETIONS

A0410.04DAJA

System name:

Judicial Information Release Files (48 FR 25595), June 6, 1983.

Reason:

Records are not subject to the Privacy Act of 1974, as amended.

A0708.06aDAPC

System name:

Project Managers Development Program (48 FR 25663), June 6, 1983.

Reason:

Record are covered in system of records A0708.08aDAPC.

A0714.06aHSC

System name:

Army Medical Department Personnel Management and Manpower Control System (48 FR 25680), June 6, 1983.

Reason:

Records are covered in system of records A0715.07aDASG.

A1509.11DAEN

System name:

Integrated Facilities System (48 FR 25770), June 6, 1983.

Reason:

Records are covered in system of records A0309.05DAAG.

AMENDMENTS

AO402.01aDAJA

System name:

General Legal Files (48 FR 25582), June 6, 1983.

Changes:

System Identification:

Delete suffix "a".

Categories of individuals covered by the system:

Delete entry; substitute thereof: "Individuals who have been the subject of civil or criminal matters referred to the Office of The Judge Advocate General or to legal offices of Army agencies, commands, and/or installations for legal opinion, legal review, or other action."

Categories of records in the system:

Delete entry; substitute therefor: "Inquiries with substantiating documents personnel actions, investigations, petitions, complaints, correspondence and responses thereto.

"Examples of records include: Elimination and separation proceedings; questions pertaining to entitlement to pay, allowances, or other benefits; flying evaluation boards; line of duty investigations; reports of survey; other boards of investigating officers; DA Suitability Evaluation Board cases; DA Special Review Board efficiency report appeals; petitions to the Army Board for the Correction of Military Records; matters pertaining to on-post solicitation, revocation of privileges, and bars to entry on military installations; matters pertaining to appointments, promotions, enlistments, and discharges; matters pertaining to prohibited activities and conflicts of interest for Army personnel and employees; Article 138, UCMJ complaints; private relief legislation; military justice matters including requests for delivery of service members for trial by civilian authorities, appeals from non-judicial punishment imposed under Article 15, UCMJ; appeals under Article 69, UCMJ; Secretarial review of officer dismissal cases; petitions for clemency, requests for pardons, and requests for grants of immunity for civilian witnesses; matters pertaining to civilian employees and employees of nonappropriated fund instrumentalities including employment, pay, allowances, benefits, separations, discipline and adverse actions, grievances, equal opportunity complaints, awards, and claims processed by other agencies."

After "Authority for maintenance of the system", add:

"Purpose(s):

To ensure legal sufficiency of Army operations, policies procedures, and personnel actions."

System manager(s) and address:

Delete the second and third sentences.

Contesting record procedures:

Add: "(32 CFR Part 505)."

Record source categories:

Delete entry; sustitute therefor: "From the individual; Army records."

Systems exempted from certain provisions of the act:

Change to read: "Parts of this system falling within 5 U.S.C. 552a(k) (1), (2), (5), (6), and (7) may be exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), and (f)."

AO403.01aDAJA

System name:

US Army Claims Service Management Information System (48 FR 25584), June 6, 1983.

Changes:

System Identification:

Delete suffix "a".

System location:

Delete entries; substitute thereof: "US Army Claims Service, Office of The Judge Advocate General, Ft Meade, MD 20755–5360. Segments exist at subordinate field operating agencies and at Staff Judge Advocate Officers at Army installations throughout the world."

Categories of individuals covered by the system:

Delete entry; add: "Individuals, corporations, associations, countries, states, territories, political subdivisions presenting a claim against the United States."

Categories of records in the system:

Delete entries; substitute therefor: "Name of claimant, claim file number, type of claim presented, reports of investigation, witness statements, police reports, photographs, diagrams, bills, estimates, expert opinions, medical records and similar reports, copy of correspondence with claimant, potential claimants, third parties, and insurers of claimants or third parties, copies of finance vouchers evidencing payment of claims, and similar relevant information."

Authority for maintenance of the system:

Delete "sections 240–243"; substitute therefor: "sections 3711 and 3721". Add:

"Purpose(s):

To develop and preserve all relevant evidence about incidents which generate claims against the Ar;my. Evidence developed is used as a legal basis to support the settlement of claims. Data are also used as a management tool to supervise claims operations at subordinate commands world-wide."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute thererfor: "Information may be disclosed to:

"Internal Revenue Service for tax purposes;

"Department of Justice for assistance in deciding disposition of claims filed against the Government and for considering criminal prosecution, civil court action or regulatory orders;

"US Claims Court and the Court of Appeals for the Federal Circuit, to support legal actions, considerations or evidence to support proposed legislative or regulatory changes, for budgetary purposes, for quality control or assurance type studies, or to support action against a third party;

"Foreign governments, for use in settlements of claims under the North Atlantic Treaty Organization Status of Forces Agreement or similar international agreements;

"State governments for use in defending or prosecuting claim by the state or its representatives;

"Department of Labor for consideration in determing rights under Federal Employees Compensation Act or similar legislation;

"Civilian and governmental medical experts for evaluation of medical aspects and records and related material;

"Office of Management and Budget for preparation fo private relief bills for presentation to the Congress;

"Government contractors for use in defending or settling claims filed against them, including recovery actions, arising out of the performance of a Government contract;

"Federal and state workmen's compensation agencies for use in adjudicating claims."

System manager(s) and address:

Delete entry; substitute therefor: "The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310."

Notification procedure:

Delete entry; substitute therefor: "Individuals desiring to know whether or not information on them exists in this system of records may write to the Commander, US Army Claims Service, Ft Meade, MD 20755, furnishing full name, current address and telephone number, claim number if known, date and place of incident giving rise to the claim, and any other personal identifying data which would assist in derermining location of the records."

Record access procedures:

Delete entries; substitute therefor: "Individuals seeking access to records about themselves in this system of records should write to the Commander, US Army Claims Service, Ft Meade, Md 20755-5360, furnishing information required by 'Notification procedure' above."

Contesting record procedures: After "determinations", delete remainder and add: "are contained in Army Regulation 340-21 (32 CFR Part 505)."

Record source categories: Delete entry; substitute therefor "From the individual; investigative reports originating in the Department of the Army, Federal Bureau of Investigation, and/or foreign, State, or local law enforcement agencies; medical treatment facilities; Armed Forces Institute of Pathology; relevant records amd reports in the Department of Defense."

AO403.06dDAJA

System name: Tort Claim Files (48 FR 25586), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To defend the Army in civil suits filed against it in the Federal Court System."

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

Delete entry: substitute therefor: "Information is disclosed to the Department of Justice and United States Attorneys' offices handling a particular case. Most of the information is filed in some manner in the courts in which the litigation is pending and therefore is a public record. In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in the Federal Reporter System under the name or style of the case and are available to individuals with access to a law library."

System manager(s) and address:

Delete "Chief, Litigation * * * Office of."

Notification procedure:

Delete entries; substitute therefor: Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records on themselves should submit their request as indicated in 'Notification procedure' providing information required therein."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340-21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual; Army records and reports."

AO403.16DAJA

System name:

Army Property Claim Files (48 FR 25587), June 6, 1983.

Changes:

Authority for maintenance of the system:

Delete present cite; substitute: "31 U.S.C., section 3711". Add:

"Purpose(s):

To negotiate with, or to sue, as appropriate, the individual or entity, including insurance carriers, responsible for loss or damage of US Army property."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "Information may be disclosed to the Department of Justice, US Attorneys, and opposing parties and their attorneys as deemed necessary in litigating property claims."

System manager(s) and address:

Delete: "Chief, Litigation Division,".

Notification procedure:

Delete entries; substitute therefor: "Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records on themselves should submit their request as indicated in 'Notification procedure' providing information required therein."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual; Army records and reports; Office of Personnel Management; Department of Justice, US Attorneys, opposing counsel, and similar pertinent sources."

AO403.17DAJA

System name:

Medical Expense Claim Files (48 FR 25587), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To negotiate with the tortfeasor or an insurance carrier, or to sue the same to collect the value of medical care furnished the injured party."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first sentence.

System manager(s) and address:

Delete "Chief, Litigation Division, Office of".

Notification procedure:

Delete entries; substitute therefor: "Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records on themselves should submit their request as indicated in 'Notification procedure' providing information required therein."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; add: "From the individual; Army records and reports; Office of Personnel Management; Department of Justice, US Attorneys, opposing counsel, and similar pertinent sources."

AO404.02DAJA

System name:

Courts-Martial Files (48 FR 25588), June 6, 1983.

Changes:

Categories of records in the system:

Change entry to read: "Certain general and all special (BCD) courts-martial records of trial include a verbatim transcript of the trial and allied papers relating to the charged offenses and legal review of the case. General courts-martial examined pursuant to Article 69 and special (non-BCD) and summary courts-martial records of trial include only a summarized transcript of the trial as well as allied papers relating to the charged offenses, but do not necessarily include all records of review pursuant to Articles 69 or 73, Uniform Code of Military Justice. (See 'Retention and disposal' below.)"

After "Authority for maintenance of the system", add:

"Purpose(s):

This records system is maintained because a verbatim transcript of all general court-martial trials (except those examined pursuant to Article 69) and special courts-martial trials in which a bad conduct discharge (BCD) was approved, and a summarized transcript of all other courts-martial proceedings is required by law. Records of trial are required by each office and individual responsible for reviewing the legality of the courts-martial findings and sentence, determining whether clemency consideration is warranted, and answering inquiries from offices and individuals concerning the status of a particular case. Statistical data obtained from records of trial are used in determining jurisdictional and Army-wide trends on disciplinary infractions in the Armed Forces and serve as a guide for officials responsible for making local and Army-wide policy decisions regarding military justice activities."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute therefor: "Courts-martial records reflect criminal proceedings ordinarily open to the public; therefore, they are normally releasable to the public pursuant to the Freedom of Information Act.

"Information from these records may be disclosed to the Department of Justice, the Veterans Administration, and Federal, State, and local law enforcement agencies for determination of rights and entitlements of the individuals concerned and for use in the enforcement of criminal or civil law."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete entry; substitute therefor: "All records are protected by systems of personnel screening and hand receipts. During non-duty hours, military police or contract guards patrols ensure protection against unauthorized access."

AO408.01aDAJA

System name:

Patent, Copyright, and Data License Proffers, Infringement Claims, and litigation Files (48 FR 25594), June 6, 1983.

Changes:

System Identification:

Delete suffix "a".

System Location:

In the first paragraph, change to read: "Office of the Judge Advocate General, Department of the Army, Patents, Copyrights, and Trademarks Division, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041–5013."

Delete the second paragraph; substitute therefor: "Segments of this system may exist at the Office, Chief of Engineers, the Headquarters, US Army Materiel Command and/or its major subordinate field commands; addresses are contained in the appendix to the Army inventory of system notices (see 48 FR 25773, June 6, 1983)."

After "Authority for maintenance of the system", add:

"Purpose(s):

To maintain evidence and record of claims and litigation involving Department of the Army concerning patents, trademarks, copyrights, and data; to maintain evidence and record of Department of the Army attempts to use copyrighted material and to receive the copyright owner's permission for such use; to maintain record and evidence of patent license offers received and investigations and reports pursuant thereto; and to maintain record and evidence of investigations of proposed legislation or bills for private relief."

System manager(s) and address:

Delete entry; substitute therefor: "The Judge Advocate General, Headquarters,

Department of the Army, Washington, DC 20310–2200."

Notification procedure:

Delete entries; substitute therefor: "Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records on themselves should submit their request as indicated in 'Notification procedure' providing information required therein."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual, the Army organizational element interested in the copyrighted material or offered license, employment records, pertinent Government patent files, Department of Justice and/or the Government agencies involved in the claims or litigation."

AO410.01DAJA

System name:

Litigation Case Files (44 FR 73815), December 17, 1979.

Changes:

System location:

Delete entries; substitute therefor: "Office of the Judge Advocate General, Litigation Division, Headquarters, Department of the Army (HQDA), legal offices of other HQDA staff agencies, field operating agencies, major commands, and installations."

Categories of individuals covered by the system:

Change entry to read: "Any individual who has filed a complaint against the US Army or its personnel in the Federal Civil Court System; military and civilian personnel in the Department of the Army who are named individually as defendants in litigation initiated by or against the Army."

After "Authority for maintenance of the system", add:

"Purpose(s):

To defend the Army in civil suits filed against it in the Federal Court System."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "Information is disclosed to the Department of Justice and United States Attorneys' offices handling a particular case. Most of the information is filed in some manner in the courts in which the litigation is pending and therefore is a public record. In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in the Federal Reporter System under the name or style of the case and are available to individuals with access to a law library."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Delete entry; substitute therefor: "Records at The Judge Advocate General's Office and the Chief of Engineer's Office (for civil works) are destroyed after 30 years, except that those cases determined to have precedential, policy, or otherwise significant, value are permanent. Records in other legal offices are destroyed 6 years after completion of litigation."

System manager(s) and address:

Delete "Chief * * * Office of."

Notification procedure:

Delete entries; substitute therefor: "Individuals desiring to know whether or not information on them exists in this system of records may write to The Judge Advocate General or the Chief of Engineers (for civil works case), at the above address. Requester should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records on themselves should write to the official listed under 'Notification procedure' providing information required therein."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "Department of the Army records."

AO412.07DAJA

System name:

Witness Appearance Files (48 FR 25598), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To locate and provide witnesses to US Attorneys conducting trials on behalf of the Department of the Army."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

System manager(s) and address:

Delete "Chief * * * Office of".

Notification procedure:

Delete entries; substitute therefor: "Information may be obtained by writing to the System Manager, ATTN: Chief, Litigation Division, at the above address. Individual should provide his/her full name, current address and telephone number, case number appearing on correspondence, and any other personal identifying data that will assist in locating the record."

Record access procedures:

Delete entries; substitute therefor: "Individuals desiring access to records in this system about themselves should submit a written request as indicated in 'Notification procedure', providing information required therein."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry; substitute therefor: "From the individual, Army records and reports, Department of Justice, US Attorneys, opposing counsel, and similar pertinent sources."

AO609.02DAAG

System name:

Army Nuclear Test Personnel Review Program (ANTPR) (48 FR 25632), June 6, 1983.

Changes:

System location:

Delete the second paragraph; substitute therefor: "Automated segments exist at JAYCOR, 205 S. Whiting Street, Alexandria, VA 22304, and the Reynolds Electrical and Engineering Company, Inc., Mail Stop 543, P.O. Box 14400, Las Vegas, Nevada 89114."

After "Authority for maintenance of the system", add:

"Purpose(s):

To indentify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government provided medical treatment; and to answer inquiries."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the first paragraph; substitute therefor: "Information may be disclosed to:"

System manager (s) and address:

Delete "DAAG–AMR–S),".

Notification procedure:

Add: "ATTN: DAAG–ESG–N, Room 210, 1730 K Street, NW, Washington, DC 20006–3868."

AO701.02fDAPC

System name:

Selective/Variable Reenlistment Bonuses (48 FR 25637), June 6, 1983.

Changes:

After "Authority for maintenance of the system", add:

"Purpose(s):

To determine if service member is experiencing severe financial hardship or compelling compassionate reasons to warrant approval of accelerated payment of Selective Variable Reenlistment Bonus."

Routine uses of records maintained in the system, including categories of user and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

AO708.08aDAPC

System name:

Career Management Individual Files (48 FR 25664), June 6, 1983.

Changes:

System Identification:

Delete suffix "a".

After "Authority for maintenance of the system", and:

"Purpose(s):

To manage member's Army career, including assignments, counseling, and monitoring professional development."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor: "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Notification procedure:

Delete all entries; substitute the following:

"Inquiries for information concerning medical department officers may be obtained from: Commander, US Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324.

"Inquiries for information concerning chaplains may be addressed to: Chief of Chaplains, Room 1E–417, The Pentagon, Washington, DC 20310.

"Inquiries for information concerning officers of The Judge Advocate General Corps may be sent to: The Judge Advocate General, Room 2E–444, The Pentagon, Washington, DC 20310.

"Information in regard to enlisted personnel of the US Army Intelligence and Security Command may be obtained from: Commander, US Army Intelligence and Security Command, Ft George G. Meade, MD 20755.

"Information on all other soldiers may be obtained by writing to the System Manager, ATTN: DAPC–MSO, 200 Stovall Street, Alexandria, VA 22332."

Record access procedures:

Delete all entries; substitute therefor: "Individuals desiring access to information in this system of records pertaining to themselves should write to the appropriate System Manager, as indicated in 'Notification procedure', providing their full name, service identification number/SSN, MOS or specialty, current or prior military status, home address and telephone number, and signature."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

AO714.06cDASG

System name:

AMEDD Personnel Management System (48 FR 25681), June 6, 1983.

Changes:

System Identification:

Changed ID to read: "AO715.07aDASG".

After "Authority for maintenance of the system", add:

"Purpose(s): Information is used for strength accounting, manpower and budgetary purposes, career management of medical officers, determination of medical assets, development of policies and programs, and rendering of reports."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute therefore "See 'Blanket Routine Uses' at 48 FR 25503, June 6, 1983."

Record source categories:

Delete entry; substitute therefor: "From Army records and reports."

AO807.05aDAPE

System name:

NAF Personnel Records (48 FR 25701), June 6, 1983.

Changes:

System Identification:

Delete suffix "a".

System location:

Add the following: "Where duplicate of these records is located in a second office, e.g., ad administrative office closer to where the employee actually works, this notice applies."

After "Authority for maintenance of the system", add:

"Purpose(s):

These records are maintained to carry out a personnel management program for Department of the Army non-appropriated fund instrumentalities. Records are used to recruit, select, appoint, assign, pay, evaluate, recognize, discipline, train and develop and separate individuals; to administer employee benefits; and to conduct labor-management relations, employee management relations, and responsibilities inherent in the execution of managerial and supervisory functions."

Routine uses of records maintained in the system, Including categories of users and the purposes of such uses:

Delete the first paragraph.

Policies and practices of storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Add: "Copies of these records, maintained in an administrative office or by the supervisor are retained generally for a minimum of 1 year or until the employee transfers or separates."

Notification procedure:

Add: "Individuals should furnish their full name, current address and telephone number, a specific description of the information or records sought, and any other identifying information that will facilitate locating the record."

Record access procedures:

Delete all entries; substitute therefor: "Individuals desiring access to records about themselves in this system of records should address their request to the Civilian Personnel Officer at the installation where employed; former employees should write to the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118, providing information required in 'Notification procuedre'."

Contesting record procedures:

After "determinations", delete remainder and add: "are contained in Army Regulation 340–21 (32 CFR Part 505)."

Systems AO402.01DAJA, AO403.01DAJA AO403.06DAJA, AO403.16DAJA, AO403.17DAJA, AO404.02DAJA, AO408.01DAJA, AO410.01DAJA, AO412.07DAJA, AO609.02DAAG, AO701.02fDAPC, AO708.08DAPC, AO715.07aDASG, and AO807.05DAPE read as follow:

AO402.01DAJA

SYSTEM NAME:

General Legal Files.

SYSTEM LOCATION:

Office of The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2200; Offices of Staff Judge Advocates, Judge Advocates, and Legal Counsels of subordinate commands, installations, and organizations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subject of civil or criminal matters referred to the Office of The Judge Advocate General or to legal offices of Army agencies, commands, and/or installations for legal opinion, legal review, or other action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries with substantiating documents, personnel actions, investigations, petitions, complaints, correspondence and response thereto.

Examples of records include: Elimination and separation proceedings; questions pertaining to entitlement to pay, allowances, or other benefits; flying evaluation boards; line of duty investigations; reports of survey; other boards of investigating officers; DA Suitability Evaluation Board cases; DA Special Review Board efficiency report appeals; petitions to the Army Board for the Correction of Military Records; matters pertaining to on-post solicitation, revocation of privileges, and bars to entry on military installations; matters pertaining to appointments, promotions, enlistments, and discharges; matters pertaining to prohibited activities and conflicts of interest for Army personnel and employees; Article 138, UCMJ complaints; private relief legislation; military justice matters including requests for delivery of service members for trial by civilian authorities, appeals from non-judicial punishment imposed under Article 15, UCMJ; appeals under Article 69, UCMJ; Secretarial review of officer dismissal cases; petitions for clemency, requests for pardons, and requests for grants of immunity for civilian witnesses; matters pertaining to civilian employees and employees of nonappropriated fund instrumentalities including employment, pay, allowances, benefits, separations, discipline and adverse actions, grievances, equal opportunity complaints, awards, and claims processed by other agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. sections 3037 and 3072.

PURPOSE(S):

To ensure legal sufficiency of Army operations, policies, procedures, and personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may be disclosed to the Department of Justice for grants of immunity and requests for pardons.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in locked file cabinets and/or in locked offices in buildings employing security guards or on military installations protected by military police patrols.

RETENTION AND DISPOSAL:

Records at the Office of General Counsel, OSA; Office of the Judge Advocate General; and Office of the Chief Counsel, Office, Chief of Engineers are permanent; at all other locations, records are destroyed upon obsolescence.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2200.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the System Manager; individual must provide his/her full name, address and telephone number, and any other personal data which would assist in identifying records pertaining to him/her such as current or former military status, date of birth, and, if applicable, specifics concerning the incident or event believed to be the basis for legal review.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system about themselves should submit a written request as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system falling within 5 U.S.C. 552a(k) (1), (2), (5), (6), and (7) may be exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), and (f).

A0403.01DAJA

SYSTEM NAME:

US Army Claims Service Management Information System.

SYSTEM LOCATION:

US Army Claims Service, Office of The Judge Advocate General, Ft Meade, MD 20755–5360. Segments exist at subordinate field operating agencies and at Staff Judge Advocate Offices at Army installations throughout the world.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, corporations, associations, countries, states, territories, political subdivisions presenting a claim against the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of claimant, claim file number, type of claim presented, reports of investigation, witness statements, police reports, photographs, diagrams, bills, estimates, expert opinions, medical records and similar reports, copy of correspondance with claimant, potential claimants, third parties, and insurers of claimants or third parties, copies of finance vouchers evidencing payment of claims, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 939, 2733, 2734, 2734a, 2734b, 2737; 28 U.S.C., sections 2671–2680; 31 U.S.C., sections 3711 and 3721; 32 U.S.C., section 715.

PURPOSE(S):

To develop and preserve all relevant evidence about incidents which generate claims against the Army. Evidence developed is used as a legal basis to support the settlement of claims. Data are also used as a management tool to supervise claims operations at subordinate commands world-wide.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:

Internal Revenue Service for tax purposes;

Department of Justice for assistance in deciding disposition of claims filed against the Government and for considering criminal prosecution, civil court action or regulatory orders;

US Claims and the Court of Appeals for the Federal Circuit, to support legal actions, considerations or evidence to support proposed legislative or regulatory changes, for budgetary purposes, for quality control or assurance type studies, or to support action against a third party;

Foreign governments, for use in settlements of claims under the North Atlantic Treaty Organization Status of Forces Agreement or similar international agreements;

State governments for use in defending or prosecuting claim by the state or its representatives;

Department of Labor, for consideration in determining rights under Federal Employees Compensation Act or similar legislation;

Civilian and governmental medical experts for evaluation of medical aspects and records and related material;

Office of Management and Budget for preparation of private relief bills for presentation to the Congress;

Government contractors for use in defending or settling claims filed against them, including recovery actions, arising out of the performance of a Government contract;

Federal and State workmen's compensation agencies for use in adjudicating claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards, paper records in file folders, computer disc.

RETRIEVABILITY:

By last name.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of the information. Buildings housing records are locked after normal business hours.

RETENTION AND DISPOSAL:

Destroyed 10 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system or records may write to the Commander, US Army Claims Service, Ft. Meade, MD 20755, furnishing full name, current address and telephone number, claim number if known, date and place of incident giving rise to the claim, and any other personal identifying data which would assist in determining location of the records.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves in this system of records should write to the Commander, US Army Claims Service, Ft Meade, MD 20755–5360, furnishing information required by "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; investigative reports originating in the Department of the Army, Federal Bureau of Investigation, and/or foreign, State, or local law enforcement agencies; medical treatment facilities; Armed Forces Institute of Pathology; relevant records and reports in the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0403.06DAJA

SYSTEM NAME:

Tort Claim Files.

SYSTEM LOCATION:

Office of The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed a complaint against the US Army in the US Army in the US District Court under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied material, including claims investigation, reports and files involved in representing the US Army in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C., sections 2671–80.

PURPOSE(S):

To defend the Army in civil suits filed against it in the Federal Court System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to the Department of Justice and United States

Attorney's offices handling a particular case. Most of the information is filed in some manner in the courts in which the litigation is pending and therefore is a public record. In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in the Federal Reporter System under the name or style of the case and are available to individuals with access to a law library.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By claimant's surname and court docket number.

SAFEGUARDS:

Records are maintained in file cabinets within secured buildings and available only to designated authorized individuals who have official need therefor.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records and signature.

RECORD ACCESS PROCEDURE:

Individuals desiring access to records on themselves should submit their request as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO403.16DAJA

SYSTEM NAME:

Army Property Claim Files.

SYSTEM LOCATION:

The Judge Advocate General, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310–2210. Segments may exist in Staff Judge Advocate offices at organizations listed in the appendix to Army system notices at 48 FR 25773, June 6, 1983.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, having damaged Government property, were not subject to the collection activities of other agencies or organizations and therefore require litigation on behalf of the Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of reports from the claim investigator, accident and police reports relating to damage, and pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied material involved in representing the US Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C., section 3711.

PURPOSE(S):

To negotiate with, or to sue, as appropriate, the individual or entity, including insurance carriers, responsible for loss or damage of US Army property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice, US Attorney, and opposing parties and their attorneys as deemed necessary in litigating property claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file orders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname and court docket number.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of the information. Buildings housing records are protected by security guards

RETENTION AND DISPOSAL:

Records at The Judge Advocate General's Office are destroyed 10 years after final action; i.e., completion of litigation or determination that case will not be prosecuted. Claims settled by local Staff Judge Advocates are destroyed 5 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves should submit their request as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports; Office of Personnel Management; Department of Justice, US Attorney, opposing counsel, and similar pertinent sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO403.17DAJA

SYSTEM NAME:

Medical Expense Claim Files.

SYSTEM LOCATION:

Staff Judge Advocates Offices at Army commands, field operating agencies, installations and activities; addresses are in the appendix to Army system notices at 48 FR 25773, June 6, 1983. A segment of the system is located at The Judge Advocate General's Office, HQDA, Washington, DC 20310–2210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received medical treatment at the expense of the US Army as a result of a tortuous or negligent act of a third party; third parties causing medical care to be furnished to individuals entitled to medical care at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of medical and personnel records of individuals injured by a third party from whom the US Army is seeking to recover the costs of medical care furnished the injured party; accident and police reports relating to the injury; claims investigation files; correspondence with attorneys representing the Army's interest; court documents; and silimar pertinent documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. sections 2651–3; Executive Order 11060; 28 CFR Part 43.

PURPOSE(S)

To negotiate with the tortfeasor or an insurance carrier, or to sue the same to collect the value of medical care furnished the injured party.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice, appropriate US Attorneys, civilian attorneys representing the injured party who agree also to represent the US Army's claim, and opposing parties and their attorneys.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname and court docket number.

SAFEGUARDS:

Records are accessible only by authority personnel who are properly instructed in the permissible use of the information. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Records at the Judge Advocate General's Office are destroyed 10 years after final action; i.e., completion of litigation or determination that case will not be prosecuted. Claims settled by local Staff Judge Advocates are destroyed 5 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves should submit their request as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports; Office of Personnel Management; Department of Justice, US Attorneys, opposing counsel, and similar pertinent sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0404.02DAJA

SYSTEM NAME:

Courts-Martial Files.

SYSTEM LOCATION:

US Army Legal Services Agency, Falls Church, VA 22041–5013; Washington National Records Center, Suitland, MD 20409; National Personnel Records Center, St. Louis, MO 63132; and offices of Staff Judge Advocates of subordinate commands and installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army personnel tried by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certain general and all special (BCD) courts-martial records of trial include a verbatim transcript of the trial and allied papers relating to the charged offenses and legal review of the case. General courts-martial examined pursuant to Article 69 and special (non-BCD) and summary courts-martial records of trial include only a summarized transcript of the trial as well as allied papers relating to the charged offenses, but do not necessarily include all records of review pursuant to Articles 69 or 73, Uniform Code of Military Justice. (See "Retention and disposal" below.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 801–940 (Uniform Code of Military Justice).

PURPOSE(S):

This records system is maintained because a verbatim transcript of all general court-martial trails (except those examined pursuant to Article 69) and special court-martial trails in which a bad conduct discharge (BCD) was approved, and a summarized transcript of all other courts-martial proceedings is required by law. Records of trial are required by each office and individual responsible for reviewing the legality of the courts-martial findings and sentence, determining whether clemency consideration is warranted, and answering inquiries from offices and individuals concerning the status of a particular case. Statistical data obtained from records of trial are used in determining jurisdiction and Army-wide trends on disciplinary infractions in the Armed Forces and serve as a guide for officials responsible for making local and Army-wide policy decisions regarding military justice activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Courts-martial records reflect criminal proceedings ordinarily open to the public; therefore, they are normally releasable to the public pursuant to the Freedom of Information Act.

Information from these records may be disclosed to the Department of Justice, the Veterans Administration, and Federal, State, and local law enforcement agencies for determination of rights and entitlements of the individuals concerned and for use in the enforcement of criminal or civil law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers in file folders; index cards; computer disk-packs; courts-martial coding sheets.

RETRIEVABILITY:

By individual's name and Social Security Number; by court-martial number assigned to the case.

SAFEGUARDS:

All records are protected by systems of personnel screening and hand receipts. During non-duty hours, military police or contract guard patrols ensure protection against unauthorized access.

RETENTION AND DISPOSAL:

With respect to each court-martial, there is an original record and from 1 to 4 copies. One copy is given to the accused and the remaining copies are used in the review of the case for legal sufficiency. The original record is disposed of as follows:

All records of trial by general courts-martial and those special courts-martial records in which a bad conduct discharge (BCD) was approved are retained in the Office of the Clerk of the Court, US Army Judiciary, for 1–2 years after completion of appellate review. Thereafter, the records are forwarded to the Washington National Records Center, Suitland, MD for permanent storage. Records of trial by special courts-martial (non-BCD) and summary courts-martial are retained in the staff judge advocate office of the general courts-martial authority for 1 year after completion of supervisory review and thereafter for 2 years in the records holding area or overseas records center. Records are then sent to the National Personnel Records Center (Military Records), St Louis, MO 63132, where they are retained for 7 years. Thereafter, the records are destroyed and the remaining evidence of conviction is the special (non-BCD) and summary courts-martial promulgating orders maintained in the individual's permanent records and any review(s) of the cases conducted pursuant to Article(s) 69 or 73, UCMJ. The original reviews of special (non-BCD) and summary courts-martial cases and a copy of all other reviews pursuant to Articles 69 or 73, UCMJ are maintained for 3 years in the office of the Chief, Examination and New Trials, US Army Judiciary, Falls Church, VA. They are retained an additional 7 years at the Washington National Records, Suitland, MD and destroyed. Statistical data obtained from genral and special (BCD) courts-martial records are maintained permanently on some of the master index cards which serve as a means of listing records of trail sent to storage.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Requests from individuals as to whether there are any general or special (BCD) courts-martial records in the system pertaining to them should be addressed to the Clerk of the Court (JALS-CC), US Army Judiciary, Nassif Building, Falls Church, VA 22041–5013. Requests for information as to special (non-BCD) and summary courts-martial records should be addressed to the staff judge advocate of the command where the record was reviewed or, if no longer there, to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St Louis, MO 63132.

Requests for information concerning reviews pursuant to Articles 69 or 73, UCMJ, should be addressed to the Chief, Examination and New Trials Division, US Army Judiciary, Nassif Building, Falls Church, VA 22041–5013. Written requests should include individual's full name, SSN, the record file number if available, and any other personal information which would assist in locating the records. Personal visits may be made to the Office of the Clerk of the Court or Chief, Examination and New Trials Division; individual must provide identification such as a valid driver's license or verbal information sufficient to permit locating the record.

RECORD ACCESS PROCEDURES:

Requests for access should be submitted as specified under "Notification procedure" above. Requests should be directed to the Clerk of the Court (JALS-CC), US Army Judiciary, Nassif Building, Falls Church, VA 22041–5013 if the type of courts-martial or reviewing command is unknown.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulations 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information from almost any source may be included in the record if it is relevant and material to courts-martial proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All portions of this system of records which fall within 5 U.S.C. 552a(j)(2) are exempt from the following provisions of 5 U.S.C. 552a: (d)(2), (d)(3), (d)(4), (e)(2), (e)(3), (e)(4)(H), and (g). The rules exempting this system are set forth in 32 CFR Part 505.9.

AO408.01DAJA

SYSTEM NAME:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Army, Patents, Copyrights, and Trademarks Division, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041–5013.

Segments of this system may exist at the Office, Chief of Engineers; the Headquarters, US Army Materiel Command and/or its major subordinate field commands; addresses are contained in the appendix to the Army inventory of system notices (see 48 FR 25773, June 6, 1983).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants or defendants in administrative proceedings or litigation with the Government for improper use, infringement, enforcement of agreements, or comparable claims concerning patents or copyrights; individuals having copyrights in materials in which the Department of the Army is interested; individuals who own patents which they offer to license to Department of the Army; individuals seeking private relief before the Congress because of right in inventions, patents, copyrights, or data licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative assertion of claims by and against the Government and to litigation with the Government for alleged misuse of patents, copyrights, trademarks, and data, including inquiries, investigations, settlements, communications with claimants or defendants, and related correspondence; documents relating to advice and assistance provided in obtaining licenses for Department of the Army use of copyright material; documents relating to the investigation and disposition of patent license offers; documents relating to investigations in connection with processing proposed legislation or bills for private relief or individuals because of right of individuals in inventions, patents, copyrights, or data, including reports of investigations, comments, or recommendations, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To maintain evidence and record of claims and litigation involving Department of the Army concerning patents, trademarks, copyrights, and data; to maintain evidence and record of Department of the Army attempts to use copyrighted material and to receive the copyright owner's permission for such use; to maintain record and evidence of patent license offers received and investigations and reports pursuant thereto; and to maintain record and evidence of investigations of proposed legislation or bills for private relief.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Government agencies involved in the claims or litigation and the Civil Division, Department of Justice, have access to the records to determine the validity of allegations and to properly prosecute or defend the case. Government agencies potentially interested have access to the records of offered licenses to determine actual interest. The Congress receives reports on Department of the Army's position on particular bills for private relief.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of information therein.

RETENTION AND DISPOSAL:

Destroyed after 25, 30, or 35 years depending on the specific case.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2200.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may write to the System Manager, furnishing their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves should submit their request as indicated in "Notification procedure," providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, the Army organizational element interested in the copyrighted material or offered license, employment records, pertinent Government patent files, Department of Justice and/or the Government agencies involved in the claims or litigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO410.01DAJA

SYSTEM NAME:

Litigation Case Files.

SYSTEM LOCATION:

Office of The Judge Advocate General, Litigation Division, Headquarters, Department of the Army (HQDA), legal offices of other HQDA staff agencies, field operating agencies, major commands, and installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has filed a complaint against the US Army or its personnel in the Federal Civil Court System; military and civilian personnel in the Department of the Army who are named individually as defendants in litigation initiated by or against the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied materials involved in representing the US Army in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To defend the Army in civil suits filed against it in the Federal Court System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to the Department of Justice and US Attorneys' offices handling a particular case. Most of the information is filed in some manner in the courts in which the litigation is pending and therefore is a public record. In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in the Federal Reporter System under the name or style of the case and are available to individuals with access to a law library.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname and court docket numbers.

SAFEGUARDS:

Records are maintained in file cabinets within secured buildings and available only to designated authorized individuals who have official need therefor.

RETENTION AND DISPOSAL:

Records at The Judge Advocate General's Office and the Chief of Engineers' Office (for civil works) are destroyed after 30 years, except that those cases determined to have precedential, policy, or otherwise significant, value are permanent. Records in other legal offices are destroyed 6 years after completion of litigation.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may write to The Judge Advocate General or the Chief of Engineers (for civil works cases), at the above address. Requester should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves should write to the official listed under "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are

contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Department of the Army records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO412.07DAJA

SYSTEM NAME:

Witness Appearance Files.

SYSTEM LOCATION:

Office of The Judge Advocate General, Headquarters, Department of the Army, Litigation Division, Washington, DC 20310–2210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Witnesses requested by the United States Attorneys for Federal Court proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of witnesses; name and address of US Attorneys requesting same; name and location of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

To locate and provide witnessess to US Attorneys conducting trials on behalf of the Department of the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to authorized persons who are properly instructed in the permissible use thereof; buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–22110.

NOTIFICATION PROCEDURE:

Information may be obtained by writing to the System Manager, ATTN: Chief, Litigation Division, at the above address. Individual should provide his/her full name, current address and telephone number, case number appearing on correspondence, and any other personal identifying data that will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system about themselves should submit a written request as indicated in "Notification procedure", providing information required therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, records Army and reports, Department of Justice, US Attorneys, opposing counsel, and similar pertinent sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO609.02DAAG

SYSTEM NAME:

Army Nuclear Test Persnonnel Review Program (ANTPR).

SYSTEM LOCATION:

Primary system exists at The Adjutant General's Office, Headquarters, Department of the Army, Washington, DC 20310.

Automated segments exist at JAYCOR, 205 S. Whiting Street, Alexandria, VA 22304 and at Reynolds Electrical and Engineering Company, Inc., Mail Stop 543, P.O. Box 14400, Las Vegas, Nevada 89114.

Extracts of individual records are located at Headquarters, Defense Nuclear Agency, Washington, DC 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military and civilian personnel and/or contractor personnel in support of the Army who were exposed to radiation as the direct result of government-sponsored atmospheric nuclear detonation occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, service number/Social Security Number, current or last known address, dates of test participation, radiation exposure and dosage data, Army unit/office of assignment at time of exposure, current medical status, and next-of-kin data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012; 42 U.S.C., section 2013c.

PURPOSE(S):

To identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment; and to answer inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system or records may be disclosed to:

Veterans Administration, to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

National Research Council and similar government authorized agencies, to conduct epidemiological studies of effects of ionizing radiation from atmospheric nuclear weapons tests.

Authorized contractors of the Department of Defense and Department of Energy, to reconstruct individual dosimetry data based on research and application of mathematical factors and to write historical summaries of atmospheric nuclear testing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, discs, and printouts.

RETRIVEBABILITY:

By individual's name and/or service number/SSN.

SAFEGUARDS:

Access is limited to properly cleared personnel having need for the information in the performance of official duties. Paper records are maintained in locked containers. Magnetic tapes and discs are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL:

Paper records are retained after data are transferred to magnetic tapes; retired to the Washington National Records Center upon completion of the ANTPR program. Magnetic tapes and discs are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DAAG–ESG–N, Room 210, 1730 K Street, NW, Washington, DC 20006–3868.

RECORD ACCESS PROCEDURES:

Individuals may access to records pertaining to them by writing as indicated in "Notification procedure", and furnishing full name, SSN or service number, Army unit/office to which assigned at time of radiation exposure, and place and approximate date(s) of exposure.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, Army organizational personnel and medical records, Veterans Administration, Department of Energy, Defense Nuclear Agency, and other military departments

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO701.02fDAPC

SYSTEM NAME:

Selective/Variable Reenlistment Bonuses.

SYSTEM LOCATION:

US Army Military Personnel Center, 200 Stovall Street, Alexandria, Va 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members in enlisted grades E1 through E9.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, grade, Military Occupational Specialty, documentation substantiating service member's request for accelerated payment of Selective Variable Reenlistment Bonus (SRB/VRB) for service financial hardship or compelling compassionate reasons, advisory recommendation for Army Board for Correction of Military Records consideration, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To determine if service member is experiencing severe financial hardship so that compelling compassionate reasons exist warranting approval of accelerated payment of SRB/VRB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVBABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly cleared and trained, having official need therefor. Building housing the records is secured during non-duty hours.

RETENTION AND DISPOSAL:

Retained for 2 years; then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US. Army Military Personnel Center 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DAPC–EP, 2461 Eisenhower Avenue, Alexandria, VA 22331. Individuals should provide their full name, SSN, and appropriate return address.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves in this system, of records should write to the System Manager, providing information required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, personnel records, other Army reports and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO708.08DAPC

SYSTEM NAME:

Career Management Individual Files.

SYSTEM LOCATION:

Primary system is at US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332. Decentralized segements exists at the Surgeon General's Office, The Judge Advocate General's Office, the Office, Chief of Chaplains, and the US Army Intelligence and Security Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty members of the US Army in enlisted grades of E1 through E9, all warrant officers and commissioned officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders; record briefs; statements of preference; school credit papers; transcripts; details; career personnel actions; correspondence from individual concerned; original copy of efficiency report; appeal actions; assignment memoranda and request for orders; memoranda concerning professional development actions; classification data; service awards; service agreements; variable incentive pay data; memoranda of interviews; assignemt applications; resumes of qualifications, personal background, and experience supporting member's desires, nominative action by career managers; academic reports; copies of admonitions/reprimands imposed under Article 15, UCMJ; letters of appreciation/commedation/recommendation; reports/letters from accredited educational and training organizations; and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012.

PURPOSE(S):

To manage member's Army career, including assignments, counseling, and monitoring professional development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files.

RETRIEVABILITY:

By member's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized career mangement activity personnel.

RETENTION AND DISPOSAL:

Records range from transitory to permanent, depending upon the continuing value to the service member and/or the Army. Permanent records are merged with the Official Military Personnel File (when not duplicated) upon separation of the service member from active duty by reason of discharge, transfer, retirement, or death.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Inquiries for information concerning medical department officers may be obtained from: Commander, US Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324.

Inquiries for information concerning chaplains may be addressed to: Chief of Chaplains, Room 1E–417, The Pentagon, Washington, DC 20310.

Inquiries for information concerning officers of The Judge Advocate General Corps may be sent to: The Judge Advocate General, Room 2E–444, The Pentagon, Washington, DC 20310.

Information in regard to enlisted personnel of the US Army intelligence and Security Command may be obtained from: Commander, US Army Intelligence and Security Command, Ft George G. Meade, MD 20755.

Information on all other soldiers may be obtained by writing to the System Manager, ATTN: DAPC–MSO, 200 Stovall Street, Alexandria, VA 22332.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information in this system of records pertaining to themselves should write to the approriate System Manager, as indicated in "Notification procedure", providing their full name, service identification number/SSN, MOS or specialty, current or prior military status, home address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; enlistment, appointment, or commission related forms pertaining to the service member having a current active duty status; academic, training, and qualifications records acquired incident to military service; correspondence, forms, documents and other related papers originating in or collected by the military department for management purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

O715.07aDASG

SYSTEM NAME:

AMEDD Personnel Management System.

SYSTEM LOCATION:

US Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals either applying for commissions in, on activy duty as an officer in, or recently released from active duty in one of the six Army Medical Department Corps.

Categories of records in the system: Name, Social Security Number, sex, race, date and place of birth, home of record, dependent data, physical profile data, religious preference, ethnic group, citizenship, marital status, personal mailing address, professional qualifications data, assignment data, promotion data, education and training data, awards and badges, and incentive pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301; 10 U.S.C., section 3012

PURPOSE(S):

Information is used for strength accounting, manpower and budgetary purposes, career management of medical officers, determination of medical assets, development of policies and programs, and rendering of reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See "Blanket Routine Uses" at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs.

RETRIEVABILITY:

By individual's name and SSN or other individual or group discriminator.

SAFEGUARDS:

Physical security devices, limited access via building guards and personnel clearances limit computer access to only authorized personnel. Each on-line terminal access or update to the system is protected through a system of passwords which restrict the user to specific data elements. Password changes are made incrementally at the rate of 20% per month. system reconstruction procedures provide for 2 copies of files, programs, and procedures in-house and 1 copy at an off-site location both updated and maintained in an operational condition.

RETENTION AND DISPOSAL:

Records are retained for 5 years after individual's separation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Medical Department Personnel Support Agency, 1900 Half Street, SW, Washington, DC 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Individuals should submit a written request containing their full name, SSN, current of former military status, and appropriate return address.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records on themselves in this system of records should submit a written request to the System Manager, furnishing information required by "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

AO807.05DAPE

SYSTEM NAME:

NAF Personnel Records.

SYSTEM LOCATION:

Civilian Personnel Offices at Army installations; National Personnel records Center (Civilian), 111 Winnebago Street, St Louis, MO 63118. Where duplicates of

these records are stored in a second office, e.g., an administrative office closer to where the employee actually works, this notice applies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have applied for employment with, are employed by, or were employed by non-appropriated fund (NAF) activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for employment; documents relating to testing, ratings, qualifications, prior employment, appointment, suitability, security, retirement, group insurance; medical certificates; performance evaluations; job descriptions; training and career development recores; awards and commendations data; tax withholding authorizations; documents relating to injury and death compensation, unemployment compensation, travel and transportation, reduction-in-force, adverse actions, conflict-of-interest and/or conduct; and similar relevant matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., section 301.

PURPOSE(S):

These records are maintained to carry out a personnel management program for Department of the Army non-appropriated fund instrumentalities. Records are used to recruit, appoint, assign, pay, evaluate, recognize, discipline, train and develop, and separate individuals; to administer employee benefits; and to conduct labor-management relations, employee management relations, and responsibilities inherent in managerial and supervisory functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:

Appropriate Federal agencies such as the Office of Personnel Management, Department of Labor, Department of Justice, General Services Administration, General Accounting Office, to resolve and/or adjudicate matters falling within their jurisdiction. Records may also be disclosed to labor organizations in response to requests for names of employees and identifying information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; Kardex files.

RETRIEVABILITY:

By individual's surname or SSN.

SAFEGUARDS:

Records are maintained in areas restricted to authorized persons having official need therefor; all information is regarded as if it were marked "For Official Use Only".

RETENTION AND DISPOSAL:

Records are permanent; after employee separates, records are retired to the National Personnel Records Center (Civilian), 111 Winnebago Street, St Louis, MO 63118 within 30 days. Copies of these records maintained in an administrative office or by the supervisor are retained until the employee transfers or separates; destroyed 30 days later.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the local Civilian Personnel Officer; former nonappropriated fund employees should write to the National Personnel Records Center (Civilian), 111 Winnebago Street, St Louis, MO 63118. Individual should provide his/her full name, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as SSN.

RECORD ACCESS PROCEDURES:

Individuals desiring access to information about themselves in this system of records may inquire of their local Civilian Personnel Officer or, if separated, the National Personnel Records Center (see "System location"). Individual should furnish information required by "Notification procedures".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the applicant; statements or correspondence from persons having knowledge of the individual; official records; actions affecting individual's employment and/or pay.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-28818 Filed 10-31-84; 8:45 am]

BILLING CODE 3810-01-M

Board of Visitors, United States Military Academy; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy

Date of Meeting: 29-30 November 1984

Place of Meeting: West Point, New York (Thayer Award Room, Bldg. 600)

Time of Meeting: 8:30 a.m.

Proposed Agenda: Discussion of the following items: Curriculum, Admissions and Attrition, Cadet Basic Training (Discipline and Honor Instruction), Athletic Recruiting and Army Football, Impact Aid, Robinson Report, and Conclusions and Recommendations for inclusion in the Board of Visitors Report.

All proceedings are open. For further information contact Colonel D. P. Tillar, Jr., United States Military Academy, West Point, New York 10996-5000.

For the Board of Visitors.

D.P. Tillar, Jr.,

COL, GS, Executive Secretary, USMA Board of Visitors.

[FR Doc. 84-28687 Filed 10-31-84; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

USMA Applicant Personal Background; USMA Forms: 5-520, 21-25, 21-26, 21-27 and 480

West Point candidates provide personal background information which allows the USMA Admissions Committee to make subjective judgments on non-academic experiences. Data is also used by USMA's Office of Institutional Research

for Correlation with success in graduation and military careers.

Individuals and non-profit institutions
Response 60,000
Burden hours 57,500

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM–ADI, Room 1D667, The Pentagon, Washington, DC 20301, telephone (202) 695–5111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–28862 Filed 10–31–84; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

USMA Applicant's Education: USMA Form 21–16, USMA Form 21–23 and USMA FL 480–1

West Point Admissions Office strives to objectively and fairly evaluate the applicant's past and future academic performance. The candidates provide school officials with forms that (a) request and supplement academic transcripts (b) evaluate the candidate and (c) provide final semister grades.

Individual or non-profit institutions
Responses 60,000
Burden hours 20,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room IC535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM–ADI, Room 1D667, The Pentagon, Washington, DC 20301, telephone (202) 695–5111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1984.

[FR Doc. 84–28858 Filed 10–31–84; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following if applicable: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the use to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Employer's Evaluation of Candidate; USMA Form 5–518

This form is given to an employer by the candiate in order to receive credit for the work done outside the school/vocational environment. Without this form candiates would not receive recognition for this responsible activity as a component demonstrating leadership potential and maturity.

Business, profit or non-profit, institution, agency or organization.
Responses 15,000
Burden hours 3,750

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1 C535, The Pentagon, Washington, DC 20301–1155, telephone (202) 694–0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM-ADI, Room 1 D667, The Pentagon, Washington, DC 20301, telephone (202) 695–5111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1984.

[FR Doc. 84–28852 Filed 10–31–84; 8:45 am]

BILLING CODE 3810–01–M

Defense Mapping Agency

Defense Mapping Agency Advisory Committee on Mapping, Charting and Geodesy (MC&G); Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DMA Advisory Committee on MC&G has been scheduled as follows:

Thursday, 15 November 1984, Defense Mapping Agency, Washington, D.C. and Friday 16 November 1984, DMA Special Program Office for Exploitation Modernization, McLean, Virginia. The entire meeting, commencing at 1300 hours on 15 November and 0800 hours on 16 November is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical MC&G issues and advise the Director, DMA on related scientific and technical matters.

P.H. Means,

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

October 26, 1984.

[FR Doc. 84–28860 Filed 10–31–84; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Public Hearings on National Energy Policy

AGENCY: Department of Energy.

ACTION: Notice of Public Hearings on National Energy Policy.

SUMMARY: In accordance with section 801 of the Department of Energy Organization Act (Pub. L. 95–91), the

Department of Energy (DOE) is beginning to prepare the fifth biennial National Energy Policy, currently scheduled to be submitted to the Congress in the Spring. To have the benefits of the broad range of public viewpoints in the development of the National Energy Policy, DOE will hold a series of public hearings throughout the Nation. Listed below are the dates, locations, and field contacts for the hearings.

Public Hearings on the National Energy Policy

Seattle, Washington

Date and Time: December 3, 1984–9:00 a.m. to 9:00 p.m.

Place: Federal Bldg., South Auditorium, 915 Second Ave., Seattle, WA 98174.

Contact: J. L. Tokarz, External Affairs Specialist, U.S. Dept. of Energy, Richland Operations Office, P.O. Box 550, Richland, WA 99352; Telephone: (509) 376–7378.

Los Angeles, California

Date and Time: December 4, 1984–9:00 a.m. to 9:00 p.m.

Place: Los Angeles Convention and Exhibition Center, 1201 S. Figueroa, Room 209, Los Angeles, CA 90015.

Contact: Carol Powell, Public Affairs Specialist, Information Services and External Affairs Division, San Francisco Operations Office, U.S. Dept. of Energy, 1333 Broadway, Oakland, CA 94612; Telephone: (415) 273–6398.

Washington, D.C.

Date and Time: December 5, 1984–9:00 a.m. to 9:00 p.m.

Place: U.S. Department of Energy, Forrestal Building, 1000 Independence Ave., SW, Auditorium, Washington, D.C. 20585.

Contact: Karen Marshall, Hearing Coordinator, U.S. Department of Energy, Forrestal Building, 1000 Independence Ave., SW, Room 8G082, Washington, D.C. 20585; Telephone: (202) 252–5373.

Lincoln, Nebraska

Date and Time: December 6, 1984–9:00 a.m. to 9:00 p.m.

Place: Nebraska Center for Continuing Education, Scottsbluff/Minden Room, 33rd and Holdrege, Lincoln, NE 68583–0909.

Contact: Anne Scheer, Staff Assistant, Kansas City Support Office, U.S. Dept. of Energy, 324 East 11th Street, Kansas City, MO 64106; Telephone: (816) 374–5533.

Boston, Massachusetts

Date and Time: December 7, 1984–9:00 a.m. to 9:00 p.m.

Place: J. W. McCormick, Post Office and Courthouse Bldg., Room 208, Boston, MA 02109.

Contact: Duane Day, Office of Intergovernmental Affairs, U.S. Dept. of Energy, Analex Building, Room 1002, 150 Causeway Street, Boston, MA 02114; Telephone: (617) 223–2525.

Cincinnati, Ohio

Date and Time: December 10, 1984–9:00 a.m. to 9:00 p.m.

Place: Clarion Hotel, Bronze Ballroom, 141 West Sixth Street, Cincinnati, OH 45205.

Contact: Gary L. Pitchford, Director, Office of Communications or Allan Smith, Director, Administrative Services Division, U.S. Dept. of Energy, Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; Telephone: (312) 972–2013 or Telephone: (312) 972–2191.

Atlanta, Georgia

Date and Time: December 11, 1984–9:00 a.m. to 9:00 p.m.

Place: Richard B. Russell Bldg., L. D. Strom Auditorium, 75 Spring St., SW Atlanta, GA 30303.

Contact: Laura Nicholas, Chief, Management Information Systems, U.S. Dept. of Energy, 1655 Peachtree Street, NW, Eighth Floor, Atlanta, GA 30309; Telephone: (404) 881–2837.

Procedure

Any person or representative of a group may make a written or oral request for an opportunity to make an oral presentation at the public hearings. Such requests must be received no later than 3 working days before the appropriate hearing. Requests should be directed to the appropriate hearing contact at the address given above, and should be in accordance with the procedures set forth below. Written requests should be labeled "NEP–V" both on the document and on the envelope. No oral requests for presentation will be scheduled until after all written requests are scheduled.

Those who register in advance will be heard first or at times reserved for them. Those present at the hearing who would like to speak but who have not preregistered will be accommodated if time permits. Verbatim transcripts will be made of all sessions.

It would be helpful if persons making the requests would describe briefly the interest concerned; if applicable, indicate why they are the proper representative of the group having such an interest; and provide a phone number where they may be contacted during working hours.

While an attempt will be made to accommodate all who wish to be heard, it may not be practical to do so, and DOE reserves the right to schedule the presentations of persons to be heard, and to establish the procedures governing the conduct of the hearings. Time allotted to each presentation may be limited, based on the number of persons requesting to be heard.

A presiding officer will be designated to conduct the hearings. These hearings will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings. As a rule, oral presentations shall be limited to 10 minutes. Any additional testimony may be submitted in writing.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts

Verbatim transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by DOE and made available for inspection at DOE's Freedom of Information Office Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8 a.m. and 4 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., on October 26, 1984.

William J. Silvey,

Deputy Assistant Secretary, Policy, Planning & Analysis.

[FR Doc. 84–28752 Filed 10–31–84; 8:45 am]

BILLING CODE 6450–01–M

Statement of Findings; Forest Resources Management Activities in Floodplain/Wetlands at the Savannah River Plant; Aiken SC

I. Finding

Forest resources management activities in floodplain/wetlands at the Savannah River Plant (SRP) will continue.

II. Background

Forest resources management activities are prescribed by the U.S. Forest Service (USFS) for the Department of Energy (DOE) in floodplain/wetlands at SRP. In accordance with 10 CFR Part 1022, DOE's regulation implementing Executive Orders 11988 and 11990, a "Floodplain/Wetlands Assessment of Forest Management Activities at the

Savannah River Plant" (DOE/SR-5002) was prepared as the basis for this statement of findings.

The SRP is a 300 square mile DOE facility located near Aiken, South Carolina at which defense nuclear materials are produced. Approximately 88 percent of SRP is forested. Forest resources are managed by USFS for DOE under an interagency agreement that has been in effect since 1951.

Forest resources management activities affecting floodplain/wetlands include timber harvesting, wildlife management (primarily forage and cover planting and beaver and ferel hog control), soils management (soil erosion control and borrow pit reclamation), road management (limited woods roads construction and maintenance), and research support activities.

III. Alternatives Considered in the Floodplain/Wetlands Assessment

1. Custodial management;

2. Uneven-Aged management—Single tree selection;

3. Even-Aged management—Shorter rotations;

4. Even-Aged management—Longer rotations; and

5. No action.

IV. Reasons for Action in Floodplain/Wetlands

1. Management Goal

The principal objective of USFS forest management at SRP is to promote and achieve a pattern of timber resource use on a substained-yield basis, while maintaining and enhancing soil, water, and wildlife resources. The proposed action of continuing the ongoing forest management activities in floodplain/wetlands is the only alternative that fully meets this principal objective.

2. General

Other alternatives considered in the assessment either decrease the quality of timber resources produced, decrease the diversity and availability of wildlife habitat, increase soils disturbance and compaction, and/or affect the availability of lands which could potentially be used for research.

3. Cost

Alternatives to the continuing ongoing forest resource management activities (except for the Even-Aged Management—Shorter Rotation Alternative) will increase costs of forest management activities at SRP either through the costs of implementing the alternative or by decreasing the amount and/or quality of harvested timber.

V. Impact Mitigation Measures for Activities in Floodplain/Wetlands

Timber harvesting in floodplain/wetlands at SRP is conducted in accordance with the "Wet Area Logging Guides". This document, developed for USFS use at SRP, considers the need to protect the natural and beneficial values of floodplain/wetlands by identifying timber compartment areas that are in floodplain/wetlands, specifying special equipment and methods of harvest that are allowed (e.g., location of yarding areas, slash disposal, skidder operation, etc.) and other site specific regulations. Implementation of the "Wet Area Logging Guides" is required for those timber harvests which impact floodplain/wetlands.

VI. Determination

Based on the DOE/SR-5002 and for the reasons cited above, it has been determined that continuing presently prescribed activities in floodplain/wetlands at SRP is the only practicable alternative to the Department of Energy—Savannah River Operations Office of the implementation of its forest resources management program.

Dated: October 18, 1984.

R.L. Morgan,

Manager, Savannah River Operations Office—Department of Energy.

[FR Doc. 84-28751 Filed 10-31-84; 8:45 am]

BILLING CODE 6450-01-M

Finding of No Significant Impact, Remedial Action at the Shiprock Uranium Mill Tailings Site, Shiprock, NM

AGENCY: Department of Energy.

ACTION: Finding of No Significant Impact.

SUMMARY: The Department of Energy (DOE) has prepared an environmental assessment (DOE/EA-0232) on the proposed remedial action at the inactive uranium milling site located on the Navajo Indian Reservation at Shiprock, New Mexico. Based on the analyses in the EA, DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*

Background

On November 8, 1978, the Uranium Mill Tailings Radiation Control Act (UMTRCA), Pub. L. 95-604, was enacted in order to address a Congressional finding that uranium mill tailings located at inactive processing sites may pose a potential health hazard to the public. On November 8, 1979, DOE designated 24 inactive processing sites for remedial action under Title I of UMTRCA, including the inactive uranium mill tailings site at Shiprock, New Mexico (44 FR 74892).

UMTRCA charges the Environmental Protection Agency (EPA) with the responsibility for promulgating remedial action standards for inactive mill sites. The purpose of these standards is to protect the public health and safety and the environment from radiological and non-radiological hazards associated with residual radioactive materials at the sites. The final standards (40 CFR Part 192) were published on January 5, 1983, and became effective on March 7, 1983. The DOE has proposed a plan of remedial action that will satisfy the EPA standards. Under UMTRCA, the DOE and the Navajo Tribe entered into a cooperative agreement, effective October 7, 1983, for remedial action at the Shiprock site. Under the agreement, the Navajo Tribe must concur with the remedial action plan to be developed for the site. The DOE will provide funds for the remedial action.

All remedial actions must be selected and performed with the concurrence of the Nuclear Regulatory Commission (NRC).

Project Description

The Shiprock site is located on the Navajo Indian Reservation in northwestern New Mexico, approximately one mile south of the town of Shiprock. The former Navajo Mill was operated at the Shiprock site from 1954 until 1963 by Kerr-McGee Oil Industries, Inc., and from 1963 to 1968 by the Vanadium Corporation of America and its successor, Foote Mineral Company. Before and during the milling operations the site was leased from the Navajo Tribe. When the Foote Mineral Company's lease expired in 1973, full control of the site reverted to the Navajo Tribe.

Four of the original mill buildings and two tailings piles as well as two new buildings constructed by the Navajo Engineering and Construction Authority remain at the site. Tailings are the residue of the uranium ore processing operations and are in the form of finely ground rock, much like sand. The generally rectangular tailings piles cover approximately 72 acres within a designated site of about 144 acres and contain about 1.9 million cubic yards of tailings and contaminated materials. The total amount of contaminated materials including the tailings, soils beneath the tailings, and material at the

estimted 18 vicinity properties (off-site locations) is estimated to be 2.8 million cubic yards.

Proposed Action

The proposed action (Alternative 1) for the Shiprock tailings pile is stabilization in place. The tailings on the north side of the pile would be relocated 300 feet away from the edge of a 70-foot-high escarpment overlooking the San Juan River, contaminated material from around the pile and vicinity properties would be added to the pile, contaminated on-site buildings would be decontaminated, and surface runoff diversion ditches would be constructed. The pile would be recontoured to nearly level on top (2 percent slope) and would have 5:1 sideslopes (20 percent). A seven-foot-thick cover would be constructed over the pile to inhibit radon emanation and water infiltration to assure compliance with EPA standards. A layer of pit run rock (1 to 1.5 feet thick) would be added to protect the site from erosion forces, penetration by plants and animals, and inadvertent human intrusion.

Several alternatives to the proposed action were analyzed in the EA. These included (2) no action, (3) decontamination of the Shiprock Site and relocation of the wastes to the Many Devils site 3 miles to the south, (4) decontamination of the Shiprock site and relocation of the wastes to the San Juan site 26 miles east, and (5) decontamination of the Shiprock site and relocation of the wastes to the Coal Mine site 22 miles east of the Shiprock site.

Comments Received

The DOE announced the availability of the EA and proposed Finding of No Significant Impact in the **Federal Register** on July 10, 1984 (49 FR 28224). A 30-day period was provided for public review and comment. Comments were received from the State of New Mexico Environmental Improvement Division, the Navajo Nation, the State of New Mexico Historic Preservation Division, the Bureau of Indian Affairs, and the Southwest Research and Information Center (SRIC). All comments received have been reviewed and considered. The major issues raised are summarized below.

• Comment—The EA does not comply with NEPA because it does not provide sufficient information or analysis for DOE to determine whether the proposed action will have a significant effect on the human environment.

Response—As indicated in the proposed Finding of No Significant Impact (FONSI), it is DOE's opinion that the EA does provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a FONSI. Because of DOE's responsibility for obtaining NRC and Navajo Nation concurrence with the proposed remedial action and for encouraging public participation in the selection of the remedial action as required by the authorizing program legislation (Pub. L. 95–604), the EA contains quite extensive data and analyses.

• Comment—Concerns were expressed regarding the estimates of the extent of contamination, and the definition of "background" water quality.

Response—The DOE, in the EA, has identified upgradient wells that exhibit uranium concentrations of less than 35 pCi/l (i.e., background) and other upgradient wells that appear to have residual contamination from processing activities (concentrations greater than 100 pCi/l). The EA contains a figure and supporting data that generally define the horizontal and vertical extent to contamnation.

• Comment—Concerns were expressed about the potential use of contaminated ground water for domestic purposes. SRIC felt that these waters would be used because of historical use of the alluvial systems. SRIC also requested design modifications to further reduce ground-water impacts.

Response—The DOE has examined the extent of contamination, underlying stratigraphy, yields and quality from the terrace alluvium and floodplain alluvium, their current potential and beneficial uses, and other factors, and has concluded that the likelihood of domestic use of the contaminated ground water is very low and that additional measures for protection are unnecessary.

• Comment—The State of New Mexico suggested that a range of risk factors might be used to estimate the cancer risk. They also questioned occupancy factors for people living in their houses as well as radon daughter equilibrium values used off-pile.

Response—The excess risk from lung cancer has been estimated by using a risk factor of 1×10^{-4} per working-level month (WLM). Although this is on the low end of the proposed range of risk factors, conservatism in assessing the exposure more than compensates for using a smaller risk factor. This conservatism arises from placing the entire off-site population in the worst meteorological sector (highest radon concentration) and assuming a factor of 53 WLM for exposure to 100 pCi/l at 100 percent equilibrium for one year.

As far as the comment on the radon daughter equilibrium downwind inside houses, the DOE has re-evaluated this and agrees that the assumptions used are not necessarily conservative and will make these changes in subsequent assessments. In recalculating these estimates it is found that no differences in the conclusions would have resulted since the impacts are still very small and the ranking of alternatives remains unchanged.

• Comment—Concern was expressed by New Mexico that the health effects from exposure to particulates was ignored.

Response—The DOE had previously determined that this was not a major contribution to the health effects for other mill tailings sites. However, as a result of this comment, the DOE has performed an assessment for the Shiprock alternatives. The results show that the risks from airborne particulates should never exceed 2 percent of the total radiological risk.

• Comment—SRIC presented an analysis indicating that a thicker cover would be required to meet the EPA standards.

Response—The DOE has carefully reviewed the SRIC assumptions and calculations presented in the EA. The detailed report (available in the UMTRA Project Office) indicates that the EA did not make it clear that site-specific measured parameter values were used for the calculation of predicted fluxes.

The SRIC calculations of radon fluxes utilized early measurements of radon diffusion coefficients and other parameters that were never intended to represent the Shiprock site to the extent required for an environmental assessment. The DOE therefore concludes that the radon flux predictions in the EA are appropriate.

• Comment—SRIC believes that a cover of 1 meter of compacted clay, 2 meters of silty sand, and 0.3 to 0.45 meters of pit run rock is a better cover in that "uncertainties" in the radon attenuation model would be overcome.

Response—The DOE evaluated the SRIC proposal and found that the design would reduce the flux to less than 50 percent of the EPA standard. The cost associated with a cover of this thickness cannot be justified, especially since much of the uncertainty in predicting radon flux is compensated for by choosing conservative values for long-term moisture and diffusion coefficients.

Detailed responses have been prepared to all comments received. These have been sent to the commentors, and are available for review in the UMTRA Project Office.

Finding

The DOE is aware of the many concerns that have been expressed during public meetings and cooperating agency review about the environmental and health impacts from the proposed remedial action. In general, concerns relate to the impacts from radiation released during remedial action, air quality impacts, loss of developable land, ground-water impacts, and floodplain and wetlands effects.

The EA focused on these impacts from the proposed remedial action and identified mitigation measures that will be implemented to reduce these effects to an insignificant level. The finding of no significant impact for stabilization in place is based on the following findings which are supported by the information and analyses in the EA:

• Floodplain and wetlands—Approximately 34 acres of vegetation and 52,000 cubic yards of contaminated soils must be removed from the 100-year floodplain and wetlands area of the San Juan River. Pursuant to Executive Order 11988 and 10 CFR Part 1022, the DOE has prepared a floodplain and wetlands assessment (Appendix J, EA) and has initiated consultation with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, and Navajo Fish and Wildlife Department.

The proposed action includes all practicable measures to minimize harm to or within the floodplain and wetlands and includes the following: materials will be excavated during the dry season; riparian vegetation will be left intact; excavated areas will be recontoured to prevent drainage of shallow ground water and assist reestablishment of scrub-shrub wetlands and emergent wetlands; other measures will be used to minimize discharge of sediment. The impacts will be insignificant. A Floodplain and Wetlands Statement of Findings was published by DOE on July 10, 1984 (49 FR 28225).

• Radiation release—The increased radiation exposure above background levels to the general population during the remedial action will be extremely low: the estimated chance of one additional cancer death in 10 years is 0.0019; the estimated chance of one additional cancer death in 1000 years is 0.463. (With no action, these chances are 0.063 and 6.31, respectively.) The estimated chance of an additional cancer death among workers at the site is 0.0035. The DOE will closely monitor the release of radon and particulates during the remedial action.

The release of radon and contaminated particulates will be reduced by dampening contaminated material with water, by limiting contaminated material-handling operations during adverse weather conditions, and by using trucks with tight-fitting tailgates and covers when the material is to be moved. All wastewater streams will be isolated from surface-water systems by drainage-control methods.

Human exposure to residual radioactive material will be reduced further by restricting access, and by providing worker training programs and the monitoring and protective equipment necessary for use by the remedial action workers.

The radiation impacts from the proposed action are insignificant.

• Air quality—The site and surrounding area are in attainment of the National Ambient Air Quality Standards for hydrocarbons (HC), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), carbon monoxide (CO), and total suspended particulates (TSP). Dispersion modeling indicated that combustion emissions from construction equipment will not exceed Federal primary and secondary standards. However, TSP (24-hour) were estimated to exceed the Federal secondary standards (150 microg/m^3) but not the 24-hour primary standard (260 microg/m^3). The modeling used was conservative in that mitigation measures were credited with only a 50 percent reduction in particulate emissions from the site. The air-quality impacts of the proposed action will be temporary and will not be significant.

• Surface-water quality—During remedial action, a low probability exists that surface waters would experience a slight increase in contaminants due to the relocation of tailings and contaminated materials. These impacts would be minimal because of low precipitation and because of erosion control measures.

Surface waters would not be impacted after remedial action because the tailings will be isolated from surface-water contact by 7 feet on compacted cover and a system of drainage diversion ditches.

• Ground-water quality—The design features of the stabilized pile would essentially prevent future contamination of the shallow ground-water system in the alluvium and weathered Mancos Shale. The 7-foot-thick compacted sandy silt cover would inhibit infiltration of precipitation and thereby inhibit further contamination of the shallow ground water. This ground water is not presently used and has no potential for future use because of its naturally high content of total dissolved solids and inability to yield sufficient quantities for productive uses.

The deep usable ground-water system in the Dakota Sandstone would not be affected by remedial action because it is isolated from the shallow contaminated water by the thick (2100 feet) and virtually impermeable Mancos Shale.

• Threatened and endangered species—The Mesa Verde cactus, listed as threatened by the U.S. Fish and Wildlife Service (FWS), has been found in the undisturbed hills near the site. The DOE has initiated consultation with the FWS as required by section 7 of the Endangered Species Act. The remedial action has been designed to eliminate any impacts to this species by placing a barrier and buffer zone between the cacti and construction activity and by selecting a currently active (i.e., disturbed) borrow site for cover materials. The FWS has issued its biological opinion and found that the remedial action is not likely to jeopardize the continued existence of the Mesa Verde cactus.

• Cultural resources—Six archaeological sites were identified adjacent to the site. One of the sites is located on the proposed borrow area; however, the site is a trash scatter that is less than 50 years old and is of little cultural significance. The other five sites would be protected during the remedial action by the barrier and buffer zone. The survey reports are under review by the Area Archaeologist of the Navajo Area Office, Bureau of Indian Affairs, and the Cultural Resources Management Program of the Navajo Tribe as required by section 106 of the National Preservation Act of 1966 and related implementing regulations.

• Land use—Stabilization in place would result in the permanent commitment of about 76 acres of land at the site. The site is located about 1 mile south of the town of Shiprock, New Mexico.

In implementing its decision, the DOE will comply with all applicable Federal and tribal regulations to avoid or minimize health and environmental impacts.

Single copies of the EA are available from: James A. Morley, UMTRA Project Manager, U.S. Department of Energy, UMTRA Project Office, 5301 Central Avenue, N.E., Suite 1700, Albuquerque, New Mexico 87108, (505) 844-3941.

FOR FURTHER INFORMATION, CONTACT: Robert J. Stern, Director, Office of Environmental Compliance PE-25, Office of the Assistant Secretary for Policy, Safety, and Environment, Room 3G-092 Forrestal Building, U.S.

Department of Energy, Washington, D.C. 20585.

Issued at Washington, D.C., October 24, 1984.

Jan W. Mares,

Assistant Secretary for Policy, Safety, and Environment.

[FR Doc. 84-28753 Filed 10-31-84; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

National Petroleum Council Committee on U.S. Petroleum Refining; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council Committee on U.S. Petroleum Refining.

Date and Time: Monday, November 12, 1984, starting at 7:30 a.m.

Place: New Orleans Hilton Hotel, Napoleon Ballroom, Poydras Street at the Mississippi River, New Orleans, Louisiana.

Contact: Carolyn B. Klym, U.S. Department of Energy, Office of Oil, Gas, Shale and Coal Liquids, Mail Stop D-122, Gtn., Washington, D.C. 20545, Telephone: 301-353-2709.

Purpose of National Petroleum Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tenatative Agenda

—Review the proposal for the Study's scope, organization, and timetable.
—Discuss future committee meetings.
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.
—Public comment (10 minute rule).

Public Participation

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Carolyn B. Klym at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on October 26, 1984.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 84-28754 Filed 10-31-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-84-006; OFP Case No. 61047-9243-20-24]

Petition for Exemption; AES Placerita, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Extension of Decision Period on Petition for Exemption by AES Placerita, Inc., for a Proposed Facility in Newhall, California.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby extends by forty five (45) days to December 7, 1984, the Decision Period within which to either grant or deny the request for a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") filed by AES Placerita, Inc. (AES Placerita) for its proposed electric powerplant in Newhall, California.

Section 501.68(a)(2) of 10 CFR Part 501—Administrative Procedures and Sanctions, Subpart F—allows for the extension of the decision period on an exemption petition to a date certain by publishing such notice in the **Federal Register** and stating the reasons for such extension.

This extension by ERA to finalize the decision to grant or deny the petition is necessary pending a determination by the United States Environmental Protection Agency as to whether air permits issued to cogeneration facilities in the South Coast Air Quality Management District, using exemptions from emissions offset requirements under California Assembly Bill 1862, are consistent with the Clean Air Act.

Issued in Washington, D.C., on October 22, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-28750 Filed 10-31-84; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 84-09-LNG]

Cabot Energy Supply Corp.; Application To Import Liquefied Natural Gas for Short-Term Sales

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for "Blanket" Authorization to Import Liquefied Natural Gas for Short-term Sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on August 31, 1984, of an application from Cabot Energy Supply Corporation (CESCO) for a "blanket" authorization to cover the importation of liquefied natural gas (LNG). It requests authorization to import up to the equivalent of five shiploads of LNG, each with a capacity of 125,000 cubic meters, in a 12-month period from foreign sources, such as Sonatrach, the Algerian national oil company, for sale to customers with short-term needs for the gas. The total LNG proposed to be imported in one year under the authorization would not exceed 15 trillion Btu, and the agreements executed by CESCO and its supplier(s) under such authorization would not exceed five years in duration. The application does not identify either the specific supplier(s) and customer(s), or the LNG delivery and end-use points. CESCO proposes to submit this information prior to shipment of the imported LNG.

The application was filed with the ERA pursuant to Section 3 of the natural Gas Act. Protests or petitions to intervene are invited. DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., December 3, 1984.

FOR FURTHER INFORMATION CONTACT:

Robert Stronach (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9622.

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), Forrestal Building, Room 6E-042, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: CESCO, a wholly-owned subsidiary of Cabot Corporation of Massachusetts, is requesting a "blanket" authorization to import limited quantities of LNG that it intends to sell to prospective customers

who will purchase specific quantities of the gas to meet short-term needs. The proposed authorization would allow CESCO to import up to the equivalent of five tankers of LNG in a 12-month period, each with a capacity of 125,000 cubic meters, with the total LNG imported in one year under the authorization not to exceed 15 trillion Btu. CESCO states that it intends to purchase the LNG from reliable sources, such as Sonatrach, the Algerian national oil company, through future agreements executed between CESCO and its supplier(s) that would not exceed five years in duration.

In its application, CESCO states that an arrangement with a supplier for delivery of a particular cargo or cargoes will be based on specific market needs of CESCO customers. CESCO further states that, before arranging with a supplier for a delivery, CESCO will have reached a precedent agreement with a particular buyer for the cargo or cargoes, and that each agreement will be negotiated individually at arms length and will reflect the competitive realities of a specific market at the time, specifying the proposed price and delivery schedule. While some agreements could require as little as one shipload of LNG, CESCO expects that the volume delivered would generally meet the identified needs of a customer for one or two heating seasons at a time. CESCO states that its customers, who are likely to include distribution companies, pipelines, industrial users, and other end users, may need the LNG for "peak-shaving" or emergency use. CESCO emphasizes that its proposed import arrangements will be of a short-term, market-responsive nature, in contrast to the more conventional long-term LNG purchase arrangements which it asserts are encumbered by take-or-pay obligations and are generally less flexible.

CESCO claims that the individual agreements under the proposed "blanket" authorization will result in delivered gas prices which will be competitive with the alternative serving the same function in the gas supply mix. Only existing facilities are to be used under the proposed import authorization. CESCO states that it will file with the ERA deliverability information supporting the individual quantities to be imported prior to shipment.

CESCO states that it will not utilize the proposed "blanket" import authorization unless the LNG to be imported will be needed, competitive and marketable. CESCO's focus is on short-term arrangements, and therefore CESCO asserts that it will measure the security of a supplier in terms of its ability to deliver product. CESCO expects the LNG under the proposed "blanket" authorization to come from ongoing LNG production at existing facilities, and to be backed up by stored reserves. CESCO names Sonatrach as an example of the level of reliability which CESCO will demand in an LNG supplier.

Should CESCO receive the authorization requested herein, it proposes to file with the ERA copies of all contracts negotiated with buyers and sellers prior to shipment. CESCO has requested that there not be regulatory proceedings on the individual import transactions that would take place under the authorization.

CESCO's application is the first of a new type received by this agency for multiple purchases and sales transactions of imported gas for spot and short-term market opportunitities. The authorization sought would provide CESCO a blanket or generic import approval subject only to the specified quantity and term limitations. Individual supply and sales arrangements would be negotiated without further regulatory action. CESCO has submitted an application that it believes will allow the firm to market shipments of imported LNG for specific, short-term market situations, in a manner fully consistent with the policy and regulatory guidelines applied by this agency in approving gas imports. Applications similar to CESCO's are likely to be submitted by other firms in the future.

As this application represents a new type of import arrangement, and because spot and short-term trading represents a new and growing activity within the U.S. gas market, the public comments on the CESCO application will be especially useful in addressing our regulatory approach to these arrangements. This type of application is subject to the policy considerations that now govern the review of the traditional gas import arrangements, as set forth by the Secretary of Energy last February (49 FR 6687, February 22, 1984). This policy, with its strong emphasis on competitive prices and contract flexibility, has the objective of freeing commercial parties from undue government interference in contract terms and emphasizes the importance of buyer-seller negotiated arrangements.

Spot and short-term purchases and sales of gas are generally in response to unique market demands and opportunities and, to be effective, normally require prompt action. CESCO's application, which seeks approval for import of a certain quantity of LNG over a relatively short period of time, does not specify either the precise supplier and customer, or the delivery and end-use points, but indicates that all transactions under the authorization will only take place if they are market competitive. CESCO's approach is one that will allow it to operate freely within the markets for short-term and peaking service, purchasing imported LNG when markets exist and at prices considered competitive.

Public comment on this approach is encouraged by this notice. All segments of the natural gas industry and all purchasers of gas are especially urged to provide comments. Intervention requirements will be liberally applied, and the views expressed by interested parties will be given careful and thorough consideration in evaluating CESCO's application. Parties providing comments or opposing this application should address any legal, procedural, or policy issues raised by this new kind of application, including, for example, its consistency with the considerations set forth in the Secretary's policy guidelines, especially its competitiveness.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033-B, RG-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., December 3, 1984.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies

thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of CESCO's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on October 24, 1984.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 84-28749 Filed 10-31-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. EF84-2011-012 and EF84-2021-009 Docket No. EF84-2031-000]

Department of Energy—Bonneville Power Administration; Order Extending Prior Confirmation of Wholesale Power and Transmission Rates in Part, and Consolidating Rates for Review

Issued: October 30, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; A.G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On September 14, 1984, Bonneville Power Administration (BPA or Bonneville) filed a petition for: (1) Final confirmation of its 1983 proposed wholesale power rates or, in the alternative, extension of interim approval of the rate beyond the current expiration date of October 31, 1984, until final action is taken; (2) approval, on a final basis, of BPA's rate for the sale of power at the Hanford Generating Project; and (3) extension of Commission approval of Bonneville's current transmission rate schedules—UFT-1, UFT-2, ET-2, and TGT-1—until November 1, 1989.

a. Extension of BPA's Wholesale Power Rates

By order dated October 26, 1983, the Commission granted interim approval of Bonneville's wholesale power rates for a period of one year effective November 1, 1983. *United States Department of Energy-Bonneville Power Administration,* 25 FERC ¶ 61,140 (1983). Bonneville requests that the Commission approve these rates on a final basis or, in the alternative, extend its approval on an interim basis. In support of its request, BPA states that the revenues generated by its 1983 wholesale power rates meet the statutory requirement set forth in sections 7(a)(2)(A) and 7(a)(2)(B) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), 16 U.S.C. 839e(a)(2)(A) and (B).[1] Docket Nos. EF84-2011-012, *et al.*

In the event that approval is not extended, BPA states that it may have to revert to 1982 rates, which allegedly do not meet the statutory tests at this time. Inadequate revenues would purportedly be available for repayment to the United States Treasury.

b. The Hanford Contract Rate

BPA initially requested Commission action on its rate for the sale of power produced at the Hanford Generating Unit in August 1983. Docketed as EF83-2031-000, BPA's request sought an extension by the Commission of the Economic Regulatory Administration's order confirming and approving, on a final basis, the Hanford rates [2] until such time as the BPA Administrator tendered to the Commission new rates under section 7(a)(2) of the Regional Act.

The Hanford contract rate was again tendered for confirmation and approval by Bonneville as part of its 1983 wholesale power rate proposal. Docketed as EF84-2031-000,[3] BPA's filing was noticed on November 11, 1983, in the **Federal Register.**[4] No substantive comments or protests concerning the Hanford rate were filed in response to the notice.[5]

c. Extension of Transmission Rates

In its October 26, 1983 order, the Commission extended BPA's UFT-1, UFT-2, and ET-2 transmission rates for a period ending December 31, 1984. 25 FERC at 61,376. On January 27, 1984, the Commission approved the TGT-1 rate for a one year period beginning November 1, 1983. 26 FERC ¶ 61,096, p. 61,240 (1984). BPA states that these four transmission rate schedules are contractually required to remain in force and unchanged throughout Bonneville's upcoming 1985 rate period and, in certain instances, thereafter. Because these schedules are bound to remain in force, they will not be revised as part of BPA's anticipated transmission rate filing in May 1985. Accordingly, Bonneville requests that the Commission extend its approval of the UFT-1, UFT-2, ET-2, and TGT-1 rate schedules until November 1, 1989, with respect to existing agreements which require their application. BPA also requests a corresponding extension of the general transmission rate schedule provisions applicable to the four specific rate schedules for which extension is sought.

Notice of BPA's filing was published in the **Federal Register,**[6] with comments due on or before October 9, 1984. Timely comments were filed by: the Public Power Council (PPC); the Public Generating Pool (PGP); Puget Sound Power & Light Company (Puget) and the Washington Water Power Company (Water Power); and the California Parties.[7] PPC, PGP, Puget, and Water

[1] Section 7(a)(2)(A) requires that rates for non-Federal power be sufficient to assure repayment of the investment in the Columbia River Power System over a reasonable number of years. Section 7(a)(2)(B) requires that rates be based upon the BPA Administrator's total system costs.

[2] On September 26, 1978, the Assistant Administrator for Utility Systems of the Economic Regulatory Administration approved the Hanford rate through June 30, 1983.

[3] Bonneville's 1983 wholesale rates were docketed as EF84-2011-000. The Hanford rate was inadvertently omitted from this filing, however. Accordingly, it was separately filed and received a distinct docket number.

[4] 48 FR 51836.

[5] On August 24, 1983 Portland General Electric Company (PGE) filed a letter in Docket No. EF83-2031-000 stating that the Commission should disregard comments concerning any party's rights to receive Hanford power. PGE did not raise any substantive issues, however, regarding Bonneville's filing.

[6] 49 FR 39224 (1984).

[7] The "California Parties" consist of: Southern California Edison Company; Pacific Gas and

Continued

Power each moves to intervene in these proceedings and each alleges that BPA's rates do not meet the standards established in section 7(a) of the Regional Act. Puget and Water Power also incorporate by reference prior comments submitted with respect to BPA's transmission rates.

The California Parties seek to intervene and request that BPA's petition for extension of interim approval be rejected. In the alternative, the California Parties request that the Commission's order the expressly limited to an extension of the interim confirmation and approval previously granted, with no effect on or determination of subsequent BPA actions, decisions, or modifications of rates or rate schedules. In particular, the California Parties note that BPA, in its petition, asserts that the Industrial Incentive Rate provisions of Bonneville's IP–83 Industries Firm Power Rate and Section V.D. of the General Rate Schedule Provisions have previously been approved on an interim basis by the Commission. The California Parties state that these and other rate provisions have not been approved by the Commission, that the matters are awaiting decision and, therefore, that any order issued with regard to BPA's September 14, 1984 filing cannot and should not decide these other matters.[8] The California Parties also incorporate by reference the objections contained in their previous submissions in these dockets.

On October 15, 1984, the Direct Service Industries (DSIs) [9] filed a motion requesting the Commission to confirm that their prior intervention in Docket Nos. EF84–2011 and EF84–2021 gives them the right to participate in any proceedings in Docket Nos. EF84–2011–012 and EF84–2021–009. In the alternative, the DSIs move to intervene in these proceedings. In support, the DSIs contend that requiring parties who intervened initially to reintervene each time BPA tenders a subsequent filing in these dockets serves no purpose. Further, the DSIs claim that they did not receive actual notice of BPA's filing until October 9, 1984.

On October 17, 1984, Hanna Nickel Smelting Company (Hanna) filed an untimely motion to intervene. Hanna states that its late filing is due to uncertainty as to the need for parties in Docket Nos. EF84–2011–000 and EF84–2021–000 to intervene in this proceeding.

Discussion

We agree with the DSIs that it is unnecessary for parties who originally intervened in these ongoing dockets to reintervene each time a new subdocket is noticed for comment. Therefore, the Public Utilities Commission of the State of California, the California Energy Commission, PPC, PGP, Puget, Water Power, the remaining California Parties, the DSIs and Hanna all remain parties to these proceedings.

As noted above, BPA requests approval of its wholesale power rates as of November 1, 1984. We take this opportunity to again remind Bonneville that Part 300 of the Commission's regulations requires that requests for interim approval be tendered not less than 60 days in advance of the proposed effective date. As we stated in our October 26, 1984 order, "[t]his period must be considered an *absolute* minimum if the Commission is expected to undertake any meaningful review and affected parties are to be given any reasonable period in which to offer comments." 25 FERC at 61,374. We expect Bonneville to take all steps necessary to insure that, in the future, the 60-day notice period is met.

In our 1983 order, we granted interim approval for one year of BPA's wholesale power schedules. In so doing, we found that BPA's wholesale power schedules were developed at a level which would, on their face, produce sufficient revenues to enable BPA to comply with section 7(a) of the Regional Act. We also rejected the California Utilities' request for rejection of the wholesale power rates, stating that insufficient cause existed to find that BPA's rates failed to comply with the fish and wildlife provisions of the Regional Act and, further, that the availability of refunds did not appear to be an inadequate remedy if the rates were later rejected. At the same time, we denied interim approval of the transmission rates filed in Docket No. EF84–2021–000. Because Bonneville had not provided for an accounding of its transmission costs separate from its generating sysem, we were unable to determine if Bonneville's proposed 1983 rates complied with the Regional Act and relevant provisions of the Federal Columbia River Transmission System Act.[11] We therefore extended Bonneville's then-current rates until December 31, 1984.[12]

Because we are still in the process of obtaining and reviewing pertinent information, we are unable to grant final approval at this time of either BPA's wholesale power or transmission rates. However, we find that the reasons which led us in 1983 to approve BPA's wholesale power rates on an interim basis continue to be valid. Accordingly, we shall now extend the wholesale power rates, on an interim basis, until final Commission action on those rates.

With respect to the Hanford power rate, we note that the Director of our Office of Electric Power Regulation approved the rate by letter order issued October 12, 1984. Accordingly, it is unnecessary to address the matter in this order.

With respect to Bonneville's request for final approval through 1989 of certain transmission rates, we are unable to find, based on our review of Bonneville's transmission rate filings commencing with its 1976 filing in Docket No. E–9563, that Bonneville ever explicitly stated that Commission approval for limited terms might, in effect, require Commission approval in future filings. accordingly, in order to facilitate our review of Bonneville's transmission rates, we shall direct BPA to furnish within thirty (30) days: (1) A sample copy of the contracts which purportedly restrict the Commission's ability to affect Bonneville's rates; (2) a

Electric Company; San Diego Gas & Electric Company; Los Angeles Department of Water and Power; the Pubic Service Department of the City of Glendale; the Public Service Department of the City of Burbank; the Water and Power Department of the City of Pasadena; the Public Utilities Commission of the State of California; and the California Energy Commission.

[8] In addition, the California Parties state that extension of interim approval should not be deemed to constitute approval of other BPA actions, such as its Near-Term Intertie Access Policy or the Supplemental Filing of the Administrator's Interpretation of the NF–83 Nonfirm Energy Rate Schedule Implementation Criteria, which accurred after the Commission's initial interim approval. This order only extends interim approval of BPA's wholesale power and transmission rates, as discussed below, and does not purport to address any of the other issues mentioned by the California Parties.

[9] Aluminum Corporation of America, Arco Metals Company, Georgia-Pacific Corporation, Intalco Aluminum Corporation, Kaiser Aluminum & Chemical Corporation, Martin Marietta Aluminum, Inc., Oregon Metallurgical Corporation, Pacific Carbide & Alloys Company, Pennwalt Corporation, and Reynolds Metal Company.

[10] 18 CFR 385.214 (1983).

[11] 16 U.S.C. 838, *et seq.*

[12] Subsequently, in order of January 27, 1984, we granted rehearing in part and permitted BPA to place its proposed 1983 transmission rates into effect on a temporary interim basis pending the receipt of information which would satisfy the Commission's accounting concerns. BPA submitted information on May 29, 1984. By order issued September 14, 1984, we granted interim extension of BPA's proposed 1983 transmission rates pending final Commission action. *United States Department of Energy—Bonneville Power Administration*, 28 FERC ¶ 61,325 (1984).

By letter dated October 1, 1984, the Director of the Office of Electric Power Regulation requested certain additional information relating to BPA's accounting of system costs and expenses.

list of all contracts and customers so affected, and an estimate of the annual revenues involved; (3) a list disclosing the earliest date at which Bonneville will be free to adjust the rates under each contract; and (4) and a statement of Bonneville's current policies as to the negotiation of new long-term contracts with limited rate flexibility. With these general remarks, we now turn to the four specific rates for which extension of Commission approval is sought.

Rate Schedule TGT–1

Rate Schedule TGT–1 was submitted as part of Bonneville's EF84–2021 filing. As indicated previously, on September 14, 1984, the Commission granted extended interim approval of all transmission rates filed in that docket pending final Commission action. Accordingly, BPA's request for approval of its TGT–1 rate through 1989 is mooted by our September 14, 1984 order.

Rate Schedules UFT–1, UFT–2 and ET–2

The UFT–1 rate schedule was originally submitted by BPA in its 1976 filing in Docket No. E–9563, and the UFT–2 and ET–2 schedules were initially submitted in Bonneville's 1981 filing (Docket No. EF81–2021). These rates have been the subject of numerous extensions, due to the fact that Bonneville stated it was in the process of developing a comprehensive transmission policy and, further, because additional time was necessary in order to enable Bonneville to establish a separate accounting of costs, revenues, and deficits for the transmission system. Thus, in *U.S. Department of Energy—Bonneville Power Administration*, 22 FERC ¶ 61,178 (1983), we granted an extension of BPA's transmission rates in Docket Nos. EF81–2021 and E–9563 until the earlier of January 1, 1984, or the date on which Bonneville's 1983 power rates would become effective. In so doing, we stated:

> We expect that this extension will give Bonneville the opportunity to ensure that its revised transmission rates will be fully compensatory in accordance with section 7(a)(2) of the [Regional] Act * * * and will provide sufficient revenues to recover Bonneville's capital costs. 22 FERC at 61,311.

In light of the foregoing, BPA has been on notice since February 1983 that the Commission expected that any extension of the 1976 and 1981 rates was to be of a limited duration.

Upon consideration of the various factors discussed above, we believe that final confirmation and approval of Bonneville's UFT–1, UFT–2, and ET–2 rates through 1989 would be premature until we are able to determine how these rates fit into and affect Bonneville's overall cost/revenue structure. We shall therefore deny BPA's request. On the other hand, disapproval of these rates would not maintain Bonneville's revenue stream, nor would it assist BPA in reconciling its alleged contractual commitments with the statutory standards governing BPA's rates. We shall therefore extend approval of BPA's UFT–1, UFT–2, and ET–2 rates pending final Commission action and consolidate them for purposes of review with the transmission rates filed in Docket No. EF84–2021 in order to determine, *inter alia*, whether BPA's transmission rates are compensatory and whether the costs are equitably allocated between Federal and non-Federal customers.

The Commission orders:

(A) BPA's request for extension of interim approval of its system power rates is hereby granted. BPA's 1983 proposed wholesale power rates are hereby permitted to remain in effect on an interim basis subject to refund with interest as set forth in Part 300 of the Commission's regulations, pending final confirmation and approval or disapproval of BPA's wholesale power rates and charges.

(B) BPA's UFT–1, UFT–2, and ET–2 transmission rates are hereby consolidated, for purposes of review, with BPA's proposed 1983 transmission rates.

(C) BPA's UFT–1, UFT–2, and ET–2 transmission rates and associated general transmission rate schedule provisions are hereby permitted to remain in effect pending final confirmation and approval or disapproval of these and BPA's 1983 proposed transmission rates.

(D) Within thirty (30) days of the date of issuance of this order, BPA shall file with the Commission: (1) A sample copy of the contracts which BPA contends restrict the Commission's abilities to affect BPA's rates; (2) a list of all contracts and customers affected by such restrictions and an estimate of the annual revenues produced by these contracts; (3) a list showing the earliest date at which Bonneville can adjust the rates under each contract described in (1); and (4) a statement as to whether Bonneville's current policies permit the negotiation of new long-term contracts with limited rate flexibility.

(E) All other requests for final or interim approval, except as provided above, are hereby denied.

(F) The Secretary shall publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–28836 Filed 10–31–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP78–123–022]

Northwest Alaskan Pipeline Co. (Eastern Leg); Petition To Amend

October 26, 1984.

Take notice that on October 16, 1984, Northwest Alaskan Pipeline Company (Petitioner), 295 Chipeta Way, Salt Lake City, Utah 84108–0900, filed in Docket No. CP78–123–022 a petition pursuant to section 7(c) of the Natural Gas Act and section 9 of the Alaska Natural Gas Transportation Act of 1976, to amend the Commission's order issued April 28 and June 20, 1980, in Docket No. CP78–123, *et al.*, so as to extend the term of its sales for resale, of natural gas imported from Canada to Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern), Panhandle Eastern Pipe Line Company (Panhandle) and United Gas Pipe Line Company (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by orders issued April 28 and June 20, 1980, the Commission authorized Petitioner to import gas purchased from Pan-Alberta, Ltd., (Pan-Alberta) up to 800,000 Mcf of gas per day at Monchy, Saskatchewan, and certificated the sales for resale of these volumes by Petitioner to Northern, Panhandle and United pursuant to section 7(c) of the Natural Gas Act. Petitioner further states that Pan-Alberta has firm licenses from the National Energy Board of Canada (NEB) to export these volumes through October 31, 1992, and has filed an application with the NEB to extend its export authorization through October 31, 1996. Petitioner also states that by order issued December 15, 1983, the Commission authorized Petitioner's imports at Monchy through October 31, 1992, conditioned upon renegotiation of Petitioner's contracts with Pan-Alberta and with Northern, Panhandle and United.

In its filing, Petitioner states that it has successfully renegotiated its contracts with Pan-Alberta, Northern, Panhandle and United. Accordingly, Petitioner requests the Commission to remove the condition on Petitioner's certificate authority through October 31, 1992, and further requests an unconditional extension of the term of its certificate authority to make sales for

resale to Northern, Panhandle and United through October 31, 2001, or alternatively for whatever lesser term is eventually approved by the NEB.

Petitioner states that the renegotiated rate to be charged Northern would be comprised of a demand and commodity component. It is indicated that the demand charge, which would be adjusted every six months to reflect actual costs incurred, is projected at $2.8 million monthly and would be composed of the costs related to administration, gathering, transportation and resale of Canadian gas from the producing fields in the Canadian province of Alberta to the point of resale at the Canadian/U.S. border. It is further indicated that changes in the demand charge every six months would be subject to a review of all Canadian incurred costs by the NEB and that the commodity charge would provide for a base price set initially at $2.40 (U.S.) per million Btu ($2.45 for the 1985–86 contract year) for volumes up to 85 percent of the annual contract quantity. It is explained that an incentive rate of $2.30 (U.S.) per million Btu would apply for volumes purchased each year above 85 percent, but not exceeding 100 percent of the annual contract quantity. Petitioner states that commencing November 1, 1986, the commodity charge and the minimum volume obligations would be redetermined through negotiation or, failing agreement, arbitration. Petitioner also states that the renegotiated contract provides for a minimum take-and-pay obligation of 20 percent of daily contract volumes during the seven months of April through October and 40 percent in the five winter months of November through March. It is indicated that Northern would be obligated to take and pay for 50 percent of the yearly contract quantity during the 1984–85 contract year and 60 percent for the 1985–86 contract year. For the 1984–85 contract year, Petitioner states, there is a 60 percent take-or-pay obligation with a $.32 (U.S.) per Mcf settlement to be paid on any deficiency.

Petitioner states that the renegotiated rate to be charged Panhandle would be comprised of a demand and commodity component. The demand charge, it is stated, is projected at $2.1 million monthly and would be governed by provisions similar to those contained in the renegotiated Northern contract discussed above. It is indicated that the commodity charge for the 1984–85 contract year would be $2.14 (U.S.) per million Btu for volumes purchased up to Panhandle's annual take obligations of 37 percent and $2.20 (U.S.) per million Btu for additional volumes purchased up to the take-or-pay level of 50 percent. Additionally, Petitioner states that Panhandle would be required to take and pay for 30 percent of the daily contract quantity and that Panhandle would also be required to pay $.32 (U.S.) per Mcf for any deficiency below the take-or-pay level. It is explained that for all volumes over the 50 percent take-or-pay level, the price would be set quarterly on November 1, February 1, May 1, and August 1, by Pan-Alberta after consultation with Petitioner and Panhandle regarding anticipated future market conditions. Commencing November 1, 1985, the commodity charge and the minimum volume obligations would be redetermined through negotiation, or failing agreement, arbitration, it is indicated.

Petitioner states that the minimum daily volume in the renegotiated United contract requires United to take and pay for 33⅓ percent of the daily quantity it is entitled to request and that the initial rate to be charged would be based on the Alberta border price plus transportation costs to the Canadian/U.S. border. It is further indicated that the minimum-take volumes and the rate charged would be adjusted using a three-tiered approach based on the Alberta border price and adjusted to reflect prevailing market conditions and that the base price would be subject to renegotiation if requested by either party. Petitioner states that in addition to United's costs associated with purchasing Canadian gas, United would also pay Petitioner each month for the administrative costs it incurs in the purchase and resale of United's volumes at the U.S./Canadian border.

Petitioner states that Pan-Alberta has filed applications with the NEB seeking approval of the renegotiated contracts and for an extension of its export authority through October 31, 1996. Petitioner states that it has filed an application with the Administrator of the Economic Regulatory Administration of the U.S. Department of Energy for approval to extend its import authorization through October 31, 2001, or, alternatively, through the same term granted by the NEB for export authorization from Canada.

Petitioner further states that it has filed additional applications pursuant to section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations to amend its tariffs and rates to conform to the newly renegotiated contracts with Pan-Alberta, Northern, Panhandle and United. Petitioner states that all of these applications must be acted upon before it can act on the terms of the renegotiated contracts.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28832 Filed 10-31-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-123-023]

Northwest Alaskan Pipeline Co. (Western Leg); Petition to Amend

October 26, 1984

Take notice that on October 16, 1984, Northwest Alaskan Pipeline Company (Petitioner), 295 Chipeta Way, Salt Lake City, Utah 84108-0900, filed in Docket No. CP79-123-023 a petition pursuant to section 7(c) of the Natural Gas Act and section 9 of the Alaska Natural Gas Transportation Act of 1976 to amend the Commission's orders issued January 11, and June 13, 1980, in Docket No. CP78-123, *et al.*, so as to extend the term of its sale for resale of natural gas imported from Canada to Pacific Interstate Transmission Company, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by orders issued January 11 and June 13, 1980, the Commission authorized Petitioner to import gas purchased from Pan-Alberta, Ltd., (Pan-Alberta) up to 240,000 Mcf of gas per day at Kingsgate, British Columbia, and certificated the sale for resale of these volumes by Petitioner to Pacific section 7(c) of the Natural Gas Act. Petitioner further states that Pan-Alberta has firm licenses from the National Energy Board of Canada (NEB) to export these volumes through October 31, 1992, and has filed an application with the NEB to extend its export

authorization through October 31, 1996. Petitioner also states that by order issued December 15, 1983, the Commission authorized Petitioner's imports and the sale of these volumes for resale at Kingsgate through October 31, 1992, conditioned upon renegotiation of Petitioner's contracts with Pan-Alberta and Pacific Interstate.

In its filing, Petitioner states that it has successfully renegotiated its contracts with Pan-Alberta and Pacific Interstate. Accordingly, Petitioner requests the Commission to remove the condition on Petitioner's certificate authority through October 31, 1992, and further requests an unconditional extension of the term of its certificate authority to make sales for resale to Pacific Interstate through October 31, 2001, or alternatively for whatever lesser term is eventually approved by the NEB.

Briefly, Petitioner states that the renegotiated rate to be charged Pacific Interstate would be composed of two parts, a demand charge and a commodity charge. It is indicated that the demand charge, which would be adjusted every six months to reflect actual costs incurred, would be composed of the costs related to administration, gathering, transportation and resale of Canadian gas from the producing fields in the Canadian province of Alberta to the point of resale at the Canadian-U.S. border. It is further indicated that changes in the demand charge every six months would be subject to a review of all Canadian incurred costs by the NEB and that adjustments in the demand charge would also reflect a surcharge account from the previous six-month period to avoid over- or under-recovery of costs. It is explained that the commodity charge would be set initially at $2.40 (U.S.) per million Btu. It is indicated that for purchases above 85 percent of annual contract quantities up to full contract quantities an incentive rate would apply, not to exceed the base rate less ten cents, initially set at $2.30 per million Btu and that the commodity rate would be redetermined every six months based on a formula that would take into account, *inter alia*, the cost of all other gas supplies purchased by Pacific Interstate and its affiliates. The incentive rate would be redetermined through renegotiation every six months, it is explained.

Petitioner also states that the renegotiated contracts provide for a minimum take-and-pay obligation of 60 percent of daily contract volumes.

Petitioner states that Pan-Alberta has filed an application with the NEB seeking approval of the renegotiated contract and for an extension of its export authority through October 31, 1996. Petitioner states that it has filed an application with the Administrator of the Economic Regulatory Administration of the U.S. Department of Energy for approval to extend its import authorization through October 31, 2001, or alternatively through the same term granted by the NEB for export authorization from Canada.

Petitioner further states that it has filed additional applications pursuant to section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations to amend its tariffs and rates to conform to the newly renegotiated contracts with Pan-Alberta and Pacific Interstate. Petitioner states that all of these applications must be acted upon before it can act on the terms of the renegotiated contracts.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28833 Filed 10-31-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of September 17 Through September 21, 1984

During the week of September 17 through September 21, 1984, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

John R. Selby, Inc., 09/20/84; HFA-0240

John R. Selby, Inc., filed an Appeal from a partial denial by the Authorizing Official of the DOE's Albuquerque Operations Office of a request for information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that several of the documents were not exempt under Exemption 5. The DOE also found that the Authorizing Official properly withheld the remaining documents. Accordingly, the Appeal was granted in part.

Dennis J. Sadowski, 09/18/84; HFA-0241

Dennis J. Sadowski filed an Appeal from a partial denial of a waiver of search and copying fees by the Freedom of Information officer of the Albuquerque Operations Office of the DOE. In considering the Appeal, the DOE found that Mr. Sadowski's request for a full waiver of fees associated with his Freedom of Information Act (FOIA) request for information pertaining to the "White Train" should be denied. An important issue that was considered in the Decision and Order was the public interest in waiving fees charged to FOIA requestors who claim broad membership in the media, but are not specifically requesting information as representatives of the media.

Requests for Exception

Department of Interior, Laketon Asphalt Refining, Inc. 09/19/84; HEE-0051; HEZ-0213; HEZ-0214

The Department of Interior filed an Application for Exception which sought retroactive relief from certain provisions of 10 CFR § 212.131 and related regulations governing the timing and form of crude oil certifications that DOI provided to Laketon Asphalt Refining, Inc. In considering the request, the DOE found that the equities in the case favored a grant of retroactive exception relief to DOI. It therefore granted exception relief relating to the timing and form of DOI's certifications to Laketon. The relief granted does not in any way affect the substantive validity of information contained in DOI's certifications to Laketon. The DOE also denied Laketon's Motions requesting disqualification and removal of several DOI or DOE officials from participation in the exception proceeding. Important issues discussed in the Decision and Order include (i) DOI's unique status as the largest royalty-in-kind first seller in the United States, (ii) the failure of Laketon to suffer any economic injury as a result of DOI's failure to comply with the certification provisions at issue, and (iii) the injury to the public which might occur if relief were denied.

Welsch Oil Company, 09/18/84; HEE-0090

Welsch Oil Company filed an Application for the Exception in which the firm sought relief from the requirement that it file Form EIA-782B with the Energy Information Administration. In considering the request, the DOE found that exception relief was appropriate because the firm was in a unique position and as a result was unduly burdened by the filing requirement. Accordingly, exception relief was granted for the 1984-1985 and 1985-1986 reporting seasons. The important issue discussed in the Decision and Order is the need to consider factors such as

size, sophistication of bookkeeping records, and health factors, in determining whether a firm is unduly burdened.

Refund Applications

Standard Oil Company (Indiana), RF21–12357; Howard Brown Oil, Inc., 09/17/84; RF21–12358

The DOE issued a Decision and Order concerning two Applications for Refund by Howard Brown Oil, Inc. (Brown), a consumer of Amoco middle distillates and motor gasoline. The firm elected to apply for a refund based upon the presumption of injury and the formulae outlines in *Office of Special Counsel*, 10 DOE ¶85,048 (1982). In considering these applications, the DOE concluded that Brown should receive a refund of $1,167 based upon the total volume of its Amoco middle distillates and motor gasoline purchases.

Standard Oil Company (Indiana)/Joe's Standard et al., 09/21/84; RF21–3500 et al.

The DOE issued a Decision and Order concerning eight Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶85,048 (1982). In considering these applications, the DOE concluded that each of the eight applicants should receive a refund based upon the total volume of its Amoco motor gasoline purchases. The refunds granted in this proceeding total $18,484.

Willis Distributing Co./Sam Travis Mobil Service, 09/21/84; RF41–0006

The DOE issued a Decision and Order concerning an Application for Refund filed by Sam Travis Mobil Service, a retailer of Willis Distributing Co., Inc. motor gasoline. The firm elected to apply for a refund based upon the presumption of injury outlined in *Willis Distributing Co., Inc.*, 12 DOE ¶85,062 (1984). In considering this application, the DOE concluded that Sam Travis should receive a refund of $5,770 based upon the total volume of its Willis motor gasoline purchases.

Dismissals

The following submissions were dismissed:

Name and Case No.

Blue Bird Coach Lines, Inc., RF41–0007
Texas International Co. and Texas International Petroleum Corp., HRO–0199; HRD–0199; HRH–0199

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 24, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 84–28747 Filed 10–31–84; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of September 24 Through September 28, 1984

During the week of September 24 through September 28, 1984, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

West Coast Oil Company, 09/26/84; HRO–0087

West Coast Oil Company objected to a Proposed Remedial Order which found that the firm violated the DOE regulations by overcharging its customers in sales of refined petroleum products. The primary objections raised by West Coast were that: (i) The firm should be allowed to reduce its May 1973 crude oil costs by a portion of the proceeds received from the sales of fee-free import licenses in months other than May 1973, (ii) the firm should be allowed to pass through its non-produce costs even though it did not comply with the pre-notification regulations, (iii) the equal application rule applicable to refiners is procedurally and substantively invalid, and (iv) the PRO incorrectly classified three of the firm's products as No. 2 oils, rather than as general refinery products. The Office of Hearings and Appeals rejected West Coast's arguments with respect to the pre-notification issue, the fee-free license issue and the equal applciation rule. It sustained the firm's objections with respect to the product classification issue, finding that the three products should be classified as general refinery products, rather than as No. 2 oils. Accordingly, OHA remanded the PRO for action consistent with the Decision and Order.

Refund Applications

Standard Oil Company (Indiana), RF21–12360; Howard Brown Oil, Inc., 09/24/84; RF21/12361

A Decision and Order was issued to Howard Brown Oil, Inc., in which a refund granted to the firm was incorrectly calculated. The DOE therefore correctly calculated the refund amount, and granted Howard Brown Oil a refund of $7,160 from the Standard Oil Company (Indiana) consent order fund.

Standard Oil Company (Indiana)/Sault Ste. Marie Tribe of Chippewa Indians, et al., 09/27/84; RQ21–70, et al.

The Sault Ste. Marie Tribe of Chippewa Indians, the Standing Rock Sioux Tribe of North Dakota, the State of New Hampshire and the Commonwealth of Massachusetts filed proposed second-stage refund plans with the Office of Hearings and Appeals, pursuant to consent orders entered into with Standard Oil Company (Indiana), Belridge Oil Company and Northeast Petroleum Industries, Inc. The Sault Ste. Marie Tribe proposed to use its refund share to supplement its low-income home energy assistance and road maintenance programs, the Standing Rocks planned to purchase child safety car seats. New Hampshire proposed to purchase a van with an on-board computer which measures road characteristics. Massachusetts planned to improve its traffic light synchronization program and to implement a variable work hours program. The OHA found that the beneficiaries of these plans would be those consumers that were injured as a result of their purchases of motor gasoline and middle distillates sold by the consent order firms. Accordingly, the refund applications were granted.

Willis Distributing Co., Inc./Whipple-Allen Construction Co., RF41–0001; Michalak Tire, 09/27/84; RF41–0003

Whipple-Allen Construction Company, an end-user of motor gasoline, and Michalak Tire, a motor gasoline retailer, filed Applications for Refund based on the principles and procedures set forth in *Willis Distributing Company, Inc.* In considering these applications, the DOE concluded that Michalak should receive a refund of $2,388 and Whipple-Allen should receive $255, based upon the total volume of their Willis motor gasoline purchases.

Windham Gas & Oil Co./Stamm Contracting Co., Inc., RF43–0001; Charles Chevrolet & Oldsmobile, Inc., 09/27/84; RF43–0002

Stamm Contracting Company, Inc. and Charles Chevrolet & Oldsmobile, Inc., end-users of motor gasoline, filed Applications for Refund based upon the principles and procedures set forth in *Windham Gas and Oil Company*. In considering these applications, the DOE concluded that Stamm should receive a refund of $92 and Charles Chevrolet & Oldsmobile should receive $39, based upon the total volume of their Windham motor gasoline purchases.

Dismissals

The following submissions were dismissed:

Name and Case No.

Stamm Contracting Co., Inc., RF43–0003
Tosco Corp., BEG–0063

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 24, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 84-28746 Filed 10-31-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-81-1; FRL-2707-1]

Draft Air Quality Criteria for Ozone and Other Photochemical Oxidants

AGENCY: Environmental Protection Agency.

ACTION: Second extension of public comment period for the first external review draft.

SUMMARY: The first external review draft of the revised criteria document for ozone and other photochemical oxidants was announced in the **Federal Register** on July 24, 1984, (49 FR 29845), as being available for public review and comment from August 6, 1984, to November 9, 1984. On August 6, 1984 (49 FR 31337), the Agency extended the comment period to November 19, 1984. Due to the length and complexity of this document and requests for more time to review it, the Agency is further extending the comment period.

DATE: Comments must be postmarked by January 4, 1985.

ADDRESSES: To obtain a copy of the draft document, interested parties should contact the ORD Publications Center, CERI–FRN, U.S. Environmental Protection Agency, 26 W. St. Clair St., Cincinnati, OH 45268, (513) 684–7562, and request the first external review draft of the revised Air Quality Criteria for Ozone and Other Photochemical Oxidants. Please provide your name, mailing address, and the EPA document number, EPA–600/8–84/020A. The draft document will also be available for public inspection and copying at the EPA library, EPA headquarters, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Comments on the draft document should be sent in writing to: Project Manager, Air Quality Criteria for Ozone/Oxidants, Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Ray, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office (MD–52), Research Triangle Park, NC 27711, (919) 541–3637.

SUPPLEMENTARY INFORMATION: After close of the public comment period for the draft document, the Clean Air Scientific Advisory Committee (CASAC) of the Agency's Science Advisory Board (SAB) will hold a public meeting to review the draft document. Advance notice of the time and place of the meeting will be made in the **Federal Register.**

A copy of the document, all public comments received, and the Agency's responses to these comments, will be included in the docket established for the review of the ozone/oxidants document (Docket No. ECAO–CD–81–1). The docket is available for inspection and copying between the hours of 8:00 a.m. and 4:00 p.m. at EPA headquarters in the Central Docket Section (A–130), Gallery 1, West Tower, Waterside Mall, 401 M Street SW., Washington, DC 20460.

Dated: October 23, 1984.

Bernard D. Goldstein,

Assistant Administrator for Research and Development.

[FR Doc. 84-28806 Filed 10-31-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59171A; FRL-2707-8]

Approval of Test Marketing Exemptions; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TYME–84–82. The test marketing conditions are described below.

EFFECTIVE DATE: October 24, 1984.

FOR FURTHER INFORMATION CONTACT: James Alwood, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–613C, 401 M Street, SW., Washington, DC. 20460 (202–382–3374).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will ot present any unreasonable risk of injury.

EPA hereby approves TME–84–82. EPA has determined that test marketing of new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and durations of exposure must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met. The following additional restrictions apply. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and must make these records available to EPA upon request.

2. The applicant must maintain daily records of the number of workers exposed, the level of exposure, and the duration of exposure.

3. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

4. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

TME 84–82

Date of Receipt: September 11, 1984.

Notice of Receipt: September 28, 1984 (49 FR 38355).

Applicant: Confidential.

Chemical: (G) Alkali Metal Salt of an Unsaturated Carboxylic Acid.

Use: (G) Coatings.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: 6 months.

Commencing on: October 24, 1984.

Risk Assessment: EPA identified potential health concerns for the test market substance. However, estimated worker exposure to the test market substance will be insignificant.

Therefore, under these conditions the test market substance will not pose an unreasonable health risk. No significant environmental concerns were identified and environmental release of the test market substance is expected to be low. The test market substance will not pose an unreasonable environmental risk.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: October 24, 1984.

Edwin F. Tinsworth,

Acting Director, Office of Toxic Substances.

[FR Doc. 84-28807 Filed 10-31-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. 84-588]

Annual Report of Trust Activities

Dated: October 26, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a new information collection request, "Annual Report of Trust Activities," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments

Comments on the information collection request are welcome and should be submitted within 15 days of publication of this notice in the **Federal Register.** Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Cynthia Graae, Office of Examinations and Supervision. Phone: 202-377-6886.

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 84-28797 Filed 10-31-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

East Ridge Bancshares, Inc., et al.; Formation of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 23, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *East Ridge Bancshares, Inc.*, East Ridge, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of East Ridge, East Ridge, Tennessee.

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

1. *Peshtigo Financial Corp.*, Peshtigo, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of Peshtigo State Bank, Peshtigo, Wisconsin.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas, City, Missouri 64198:

1. *Calhoun Bancshares, Inc.*, Clinton, Missouri; to become a bank holding company by acquiring 99 percent of the voting shares of Citizens State Bank of Calhoun, Clinton, Missouri. Comments on this application must be received not later than November 20, 1984.

2. *Colonial Bancorp.*, Denver, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Colonial National Bank, Denver, Colorado.

3. *Lenexa Bancorporation, Inc.*, Lenexa, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The Lenexa National Bank, Lenexa, Kansas.

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

1. *Willow Bend Bancshares, Inc.*, Plano, Texas; to acquiring 100 percent of the voting shares or assets of Bonstate Bancshares, Inc., Bonham, Texas, thereby indirectly acquiring Bonham State Bank, Bonham, Texas.

2. *Carlsbad National Bancshares, Inc.*, Hobbs New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of The Carlsbad National Bank, Carlsbad, New Mexico.

Board of Governors of the Federal Reserve System, October 26, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-28756 Filed 10-31-84; 8:45 am]

BILLING CODE 6210-01-M

National City Bancorp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the

application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce 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 application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 23, 1984.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedbolm, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *National City Bancorporation,* Minneapolis, Minnesota; to acquire Northwest Marquette Investment, Inc., Minneapolis, Minnesota, thereby engaging in the activities of providing securities brokerage services, related securitis credit activities pursuant to the Board of Governors Regulation T, and incidental activities such as offering custodial services, individual retirement accounts and cash management services. These activities would be performed in the Minneapolis-St. Paul SMSA.

Board of Governors of the Federal Reserve System, October 26, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-28758 Filed 10-31-84; 8:45 am]

BILLING CODE 6210-01-M

University National Bancshares of San Antonio; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 23, 1984.

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

1. *University National Bancshares of San Antonio,* San Antonio, Texas; to acquire 100 percent of the voting shares of Union Bank, San Antonio, Texas. University National Bancshares of San Antonio has also applied to acquire U.B.I. Life Insurance Company, San Antonio, Texas, thereby continuing to perform its activities as a credit insurance company, engaging in the underwriting of credit life health and accident insurance policies for borrowers of Applicant's subsidiary banks.

Board of Governors of the Federal Reserve System, October 26, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-28757 Filed 10-31-84; 8:45 am]

BILLING CODE 6210-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Scholarship; Closing Date for Nominations From Eligible Institutions of Higher Education

Notice is hereby given that, pursuant to the authority contained in the Harry S. Truman Memorial Scholarship Act, Pub. L. 93-642 (20 U.S.C. 2001), nominations are being accepted from eligible institutions of higher education for Truman Scholarships. Producers are prescribed at 45 CFR 1801, and were published in the **Federal Register** on June 19, 1976 (43 FR 26366).

In order to be assured of consideration, all documentation in support of nominations must be received by the Truman Scholarship Review Committee, Box 2838, Princeton, N.J. 08541-6302 postmarked no later than Saturday, December 1, 1984.

Malcolm C. McCormack,

Executive Secretary.

November 1, 1984.

[FR Doc. 84-28688 Filed 10-31-84; 8:45 am]

BILLING CODE 9500-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

This notice amends Chapter A, Office of the Secretary (OS), Chapter AH, Office of the Assistant Secretary for Personnel Administration, Chapter AHP, Office of the Deputy Assistant Secretary for Personnel, 43 FR 72289 (10/31/80) describing the functions and operations of this office. This notice also amends Chapter D, Office of Human Development Services (OHDS), Chapter DB, Office of Management Services, Section DB.20 D, last amended at 49 FR 17592 (4/24/84); and Chapter C, Office of Community Services (OCS), Section C.20, last amended at 48 FR 43729-30, (9/26/83) to reflect the consolidation of personnel services in the Washington Personnel Servicing Center. The purpose of these changes is to consolidate personnel services for the Office of Community Services, the Office of the Secretary, and the Office of Human

Development Services in the Department of Health and Human Services (HHS) into one servicing personnel office, and to make minor technical changes in the functional description of the Office of the Assistant Secretary for Personnel Administration to reflect changes in operations and responsibilities. The changes are as follows:

1. Delete from Chapter C, Section C.20 Functions, the Division of Personnel Management, OCS in its entirety.

2. Delete from Chapter DB, Section DB.20 D, Division of Personnel, OHDS, in its entirety.

3. Amend Chapter AH, Section AH.20 C by adding to the sentence: "Provides personnel services for OS headquarters," the following: "OCS, and OHDS headquarters."

4. Amend Chapter AHP Section AHP.00 by adding the following sentence: "This office provides personnel services to OS headquarters, OHDS headquarters, and OCS."

5. Amend Chapter AHP Section AHP.10 by changing the final phrase to read: "and the Washington Personnel Servicing Center."

6. Amend Chapter AHP Section AHP.20 by adding the following new Section AHP.20 F to read as follows:

AHP.20 F. Washington Personnel Servicing Center. Formulates personnel policies, in conjunction with managers in the Office of the Secretary, the Office of Human Development Services, and the Office of Community Services, and implements established personnel policy in those organizations. The Center provides services in the areas of recruitment and placement, position management and classification, employee relations, employee development, labor-management relations, and other related personnel services.

1. Program Assistance Staff

The Program Assistance Staff provides technical assistance to Operations Branch staff and coordinates certain operating functions which can be carried out more efficiently at a central location. Conducts other staff functions required to develop and implement secondary personnel policy for OS, OHDS, and OCS.

Serves as internal controls monitor, advises the Personnel Officer and Deputy Personnel Officer on program assistance matters, program development, program evaluation, and related matters. Responsible for advising on and accomplishing special projects requested by officials within and outside the Department, and for development of special new programs of vital interest and impact.

2. Employee Counseling and Selective Placement Program Staff

The Employee Counseling and Selective Placement Program Staff plans, develops and implements broad-based professional counseling service programs for HHS employees located in the Washington, D.C. Southwest Complex. This program incorporates the Federal Civilian Alcoholism and Drug Abuse Program and includes counseling on alcohol and drug abuse, personal, emotional, financial, marital, family, legal and other problems that adversely impact on employees' work performance.

The Selective Placement Program is concerned with handicapped individuals' placement needs and concerns and the management climate in which these employees work. The office provides staff support to the Office of the Secretary Handicapped Employees Committee.

3. Performance Management and Training Division

This Division implements the policies, regulations and procedures pertinent to performance management programs. Plans, designs, develops, organizes and/or directs a comprehensive training program to meet the needs of the Office of the Secretary, the Office of Human Development Services, and the Office of Community Services. Training programs are designed to improve efficiency, productivity and cost effectiveness. Conducts evaluations of training programs and provides guidance and advisory services to organizational units served.

4. Labor Management and Employee Relations Division

This Division plans, directs and administers the labor-management and employee relations programs, including grievances and appeals, labor contract negotiations and implementation, employee benefits, etc., for the Office of the Secretary headquarters, the Office of Human Development Services, and the Office of Community Services. Employee relations activities are carried out and designed to maximize employee job satisfaction, improve efficiency and productivity and to maintain high morale, cooperation and interest among employees. Provides advice and guidance in disciplinary and adverse action processes.

5. Operations Branches

These Branches provide fully intergrated personnel management advisory and technical services for assigned organizational components, including certain regional units under the servicing jurisdiction of the Washington Personnel Servicing Center. Services cover all areas of position and pay management, position classification, recruitment and staffing, day-to-day employee relations and labor relations activities; establishment, maintenance and disposition of personnel records; management of the automated personnel and payroll systems; and payroll liaison services for organizational units served.

Dated: October 22, 1984

Margaret M. Heckler,

Secretary.

[FR Doc. 84-28755 Filed 10-31-84; 8:45 am]

BILLING CODE 4150-04-M

National Institutes of Health

National Cancer Institute; Meeting; Cancer Resources and Repositories Contracts Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Resources and Repositories Contracts Review Committee, National Cancer Institute, National Institutes of Health, November 13, 1984, Building 31C, Conference Room 10, Bethesda, Maryland 20205. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 13, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Courtney Michael Kerwin, Executive Secretary, Cancer Resources and Repositories Contracts Review Committee, National Cancer Institute, Westwood Building, Room 805, National

Institutes of Health, Bethesda, Maryland 20205 (301/496–7421) will furnish substantive program information.

Dated: October 24, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–29003 Filed 10–31–84; 11:35 am]

BILLING CODE 4140–01–M

Office of Assistant Secretary for Health

President's Council on Physical Fitness and Sports; Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Council on Physical Fitness and Sports. This notice also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act.

DATE: November 15, 1984, 9:00 a.m. to 4:00 p.m.

ADDRESS: U.S. House of Representatives, Rayburn House Office Building, Room 2105, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Ash Hayes, Ed.D., Acting Executive Director, President's Council on Physical Fitness and Sports, 450 Fifth Street, NW., Suite 7103, Washington, D.C. 20001, Telephone: (202) 272–3421.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports operates under Executive Order #12489 dated September 28, 1984. The functions of the Council are: (1) To advise the President and Secretary concerning progress made in carrying out the provisions of the Executive Order and recommending to the President and Secretary, as necessary actions to accelerate progress; (2) Advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports activities; (3) Advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

The Council will hold this meeting to apprise the Council members of the national program of physical fitness and sports, to report on on-going Council programs, and to plan for future directions.

Dated: October 29, 1984.

Ash Hayes,

Acting Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 84–28794 Filed 10–31–84; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Garrison Diversion Unit Commission; Second Public Hearing

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Commission public hearing and business meeting:

Name: Garrison Diversion Unit Commission.

Date of Meeting: Friday, November 16, 1984 and Saturday, November 17, 1984.

Time of Meeting: The public hearing will be held from 1:00–5:00 p.m., Friday and 8:00 a.m.–12:00 p.m. Saturday. The business meeting will be held from 1:00–5:00 p.m. on Saturday.

Place of Meeting: Fargo Theater, 314 Broadway, Fargo, N.D.

Contact Person: Michael Clinton, Technical Staff Director, Denver, Colorado (303) 239–0706, or Vernon Cooper, Garrison Commission Office, Bismarck, N.D. (701) 255–4011 Ext. 4641.

Purpose: The Commission will hear comment on the Interim Staff Report on Issues and Options, which incorporates analyses of 25 proposals selected for further study by the Commission at its second business meeting October 17. Copies of the report will be available to the public on or about November 7. Public comment from these hearings and subsequent hearings to be held in North Dakota in December will be considered by the Commissioners in making recommendations to the Secretary of the Interior.

Public Participation: Any interested person may attend. Individuals and organizations wishing to make oral statements should contact Kathy House or Linda Woodworth of the Garrison Diversion Unit Technical Staff Office in Lakewood, Colorado. The toll-free number for the States of North Dakota, South Dakota, and Minnesota is 1–800–832–9467. The number for other callers is 1–303–239–0701. The speakers' list will be opened at 8 a.m. Mountain Standard Time on November 5, and closed at 5 p.m. on November 6. Requests received after that time will be accepted on a first-come, first-served basis as hearing time allows.

Scheduling of oral statements will be done on a proportioned basis. Major interest groups, including the State of North Dakota, the National Audubon Society, and the State's Indian Tribes, will be allotted 45 minutes each on November 16 to offer responses to the Interim Report. A 15-minute question and answer period will follow each presentation.

Hearing time on November 17 will be divided into 5-minute witness presentations responding to the Interim Report. Presentations will be followed by a 5-minute question and answer period. The hearing officer may allow a speaker to provide additional oral comments after other scheduled witnesses have been heard. Each of the major interest groups will be allowed a 10-minute rebuttal period at the end of scheduled comments on November 17.

No caller will be allowed to schedule more than one time slot for his/her group. Those reserving time must specify speakers' names. No speaker changes or last-minute consolidations of time will be allowed.

Written comments from persons unable to attend and those wishing to supplement their oral presentations will be accepted for the record until 4 p.m., November 21. Written comments may be filed at the hearings or addressed to the Garrison Diversion Unit Technical Staff Office, P.O. Box 261410, Lakewood, Colorado 80226–1410, and should specify that they are to be included in the hearing record.

Transcripts: A transcript of the hearings will be made. Requests for information on arrangements for reviewing or obtaining copies of the transcripts should be directed to Kathy House or Linda Woodworth at the above telephone numbers.

Dated: October 30, 1984.

Robert N. Broadbent,

Federal Representative.

[FR Doc. 84–28992 Filed 10–31–84; 10:37 am]

BILLING CODE 4310–10–M

National Strategic Materials and Minerals Program Advisory Committee; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, that the National Strategic Materials and Minerals Program Advisory Committee (NSMMPAC) will meet Thursday, November 15, 1984. The meeting will convene from 9:00 a.m. to 3:00 p.m. in the first-floor auditorium of the Main Interior Building (C Street entrance) at 18th and C Streets, NW.,

Washington, D.C. It will be open to the public.

The proposed agenda is:

9:00–11:00: Introduction of draft recommendations from subcommittees for consideration by the full committee. Discussion and vote.

11:00–12:00: Briefing by Bureau of Mines, Bureau of Land Management, and U.S. Geological Survey on what each can contribute toward completion of withdrawn public lands inventory.

1:30–3:00: New business; general discussion and planning for future work.

FOR FURTHER INFORMATION CONTACT: Wayne Marchant, Department of the Interior, Washington, D.C., Room 6649, (202) 343–5791.

Dated: October 25, 1984.

Wayne N. Marchant,

Executive Director.

[FR Doc. 84–28745 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Indian Affairs

Notice of Extension of Comment Period on Proposed Finding Against Federal Acknowledgment of the United Lumbee Nation of North Carolina and America, Inc.

October 24, 1984.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Assistant Secretary has extended the comment period for 120 days from September 7, 1984. This extension is based on notification that one of the principal parties may not have received a copy of the proposed finding until 90 days after its publication.

Section 83.9(g) of 25 CFR provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. Comments and requests for a copy of the proposed finding should be addressed to the Office of the Assistant Secretary—Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20242, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the **Federal Register** as provided in 25 CFR 83.9(h).

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 84–28743 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–02–M

Notice of Extension of Comment Period on Proposed Finding Against Federal Acknowledgment of the Principal Creek Indian Nation East of the Mississippi

October 25, 1984.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Assistant Secretary has extended the comment period for 120 days from September 10, 1984. The extension is based on information that defective copies and discrepancies may have occurred in the original distribution.

Section 83.9(g) of 25 CFR provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments to rebut the evidence relied upon. Comments concerning the proposed finding must be postmarked by January 9, 1985. Comments and requests for a copy of the proposed finding should be addressed to the Office of the Assistant Secretary—Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20242, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the **Federal Register** as provided in 25 CFR 83.9(h).

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 84–28744 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–02–M

Notice of Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

October 25, 1984.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the

Cherokee-Powhatan Indian Association, P.O. Box 3265, Roxboro, North Carolina 27573

has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on September 7, 1984. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under Section 83.8(d) (formerly 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Servcies, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 84–28742 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[C–39424]

Colorado; Invitation for Coal Exploration License Application; AMCA Coal Leasing, Inc.

Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to Title 43, Code of Federal Regulations, Subpart 3410, members of the public are hereby invited to participate with AMCA Coal Leasing, Inc., a Delaware corporation, in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Jackson County, Colorado:

T. 7 N., R. 80 W., 6th P.M.,
Sec. 21, NE ¼, E½W½, and N½SE¼;
Sec. 22, W½NW¼.
T. 7 N., R. 81 W., 6th P.M.,
Sec. 20, S½SE¼;
Sec. 21, S½NE¼ and SW¼SW¼.

The application for coal exploration license is available for public inspection during normal business hours under serial number C-39424 at the BLM Colorado State Office, 1037 20th Street, Denver, Colorado and at the BLM Craig District Office, 455 Emerson Street, Craig, Colorado.

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate. Written Notice of Intent to Participate should be addressed to the following and must be received by them within thirty (30) days after the publication of this Notice of Invitation in the **Federal Register**:

Chief, Mineral Leasing Section, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, and
Mr. Michael W. Glasson, Senior Geologist, AMCA Coal Leasing, Inc., P.O. Box 902, Price, Utah 84501.

Evelyn W. Axelson,
Chief, Mineral Leasing Section.
[FR Doc. 84-28790 Filed 10-31-84; 8:45 am]
BILLING CODE 4310-JB-M

Plan Amendment for the Parker Mountain Management Framework Plan in Wayne and Garfield Counties, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: In accordance with 43 CFR 1610.2 and 40 CFR 1501.7 notice is hereby given that the Utah BLM State Director has decided to implement planning amendments to the Henry Mountain and Parker Mountain Management Framework Plans.

The amendment of the two plans is necessary to allow the actions to proceed in conformance with current land use plans, the amendments have merit.

SUMMARY: The amendment is in response to a proposed land exchange and land sale.

Exchange (Selected) Legal

Garfield County

T. 31 S., R. 8 E., Salt Lake Base & Meridian, Utah,
Sec. 19, lots 3, 4, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 30, lot 1.

T. 31 S., R. 7 E., Salt Lake Base & Meridian, Utah,
Sec. 25, SW¼SE¼.

Wayne County

T. 29 S., R. 5 E., Salt Lake Base & Meridian, Utah,
Sec. 7, N½SE¼NE¼, E½SW¼SE¼NE¼, SE¼SE¼NE¼;
Sec. 8, SW¼NW¼, W½SW¼;
Sec. 18, lots 3 and 4 (exclusive of acreage in R&PP Lease U-6234 in lot 3);
Sec. 19, lot 1, NE¼, E½NW¼.
T. 29 S., R. 4 E., Salt Lake Base & Meridian, Utah,
Sec. 13, NE¼SE¼;
Sec. 24, S½NE¼.

Sale Legal

T. 31 S., R 7 E.,
Sec. 35 SE¼NW¼.
T. 31 S., R 8 E.,
Sec. 19 SE¼SE¼;
Sec. 20 NE¼NW¼;
Sec. 30 E½E½ & SW¼SE¼;
Sec. 31 NE¼NE¼.

An environmental analysis for each proposal has been made which shows that consummation of the two proposed land actions would result in significant improvement in the land management situation and provide a substantial benefit to the local, regional and national interest.

No earlier than 30 days after publication of this notice, the State Director of Utah will approve the plan unless there has been a protest filed in accordance with 43 CFR 1610.5-2.

Any person who participated in the planning process and has an interest which may be adversely affected by the amendment of the MFP may protest approval of the amendment. A protest may raise only those issued which were submitted for the record to the BLM during the planning process. The protest shall be filed with the Director of BLM, Interior Building, 18th and C Street NW, Washington, D.C. 20240, within 30 days of publication of this notice. The protest shall contain: (1) The name, mailing address, telephone number, and interest of the person filing the protest; (2) a statement of the issue or issues being protested; (3) a statement of the part or parts of the plan being protested; (4) a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and (5) a short concise statement explaining why the protestor believes that the State Director's decision is wrong. The Director will issue a decision in writing on the protest.

The planning amendment is available at the Richfield District Office, 150 East 900 North, Richfield, Utah 84701.

FOR FURTHER INFORMATION CONTACT:
Carl Thurgood at (801) 896-8221.

Dated: October 23, 1984.

Donald L Pendleton,
District Manager.
[FR Doc. 84-28791 Filed 10-31-84; 8:45 am]
BILLING CODE 4310-DQ-M

Shoshone District Grazing Advisory Board Meeting; Amended Notice

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, review and make recommendations on amended 8100 (rangeland improvement) projects for FY 85 and receive a briefing on the Grazing Fee Study Report.

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 26, 1984.

Jon Idso,
Acting District Manager.
[FR Doc. 84-28793 Filed 10-31-84; 8:45 am]
BILLING CODE 4130-GG-M

Designation of Petersen Mountain Natural Area

SUMMARY: Pursuant to the authority of 43 CFR 8352 and Delegation of Authority 1203 I have designated the public lands in the following described area the Petersen Mountain Natural Area:

LANDS INVOLVED

Township	Range	Meridian	Section	Subdivision	Acres
Lassen County, California					
23 N.	18 E.	Mt. Diablo	6	E½ of SE¼	68.17
			7	E½	288.74
			18	E½	281.24
			19	E½	273.64
Total					911.79
Washoe County, Nevada					
23 N.	18 E.	Mt. Diablo	5	SW¼, W½SE¼	232.56
			6	Lots 3, 4	30.67
			7	Lots 1, 2, 3, 4	66.20
			8	W½, SE¼, W½ of NE¼	571.27
			9	SW¼	156.25
			16	W½	299.75
			17	All	640.00
			18	Lots 1, 2, 3, 4	73.32
			19	Lots 1, 2, 3, 4	80.24
			20	All	640.00
			21	W½	301.22
			28	W½, Lots 11, 12	388.48
			29	E½, NW¼, E½ of SW¼	560.00
			32	All	607.32
			33	All	640.00
			34	W½ of W½	156.91
22 N.	18 E.	Mt. Diablo	3	W½	321.29
			4	All	643.32
			5	Lots 1, 2, 3, 4	163.20
			8	All	640.00
			9	All	640.00
			10	W½	320.00
			15	NW¼, W½ of SW¼	240.00
			16	All	640.00
Total					9,052.00
Grand total—California and Nevada.					9,963.79

The area aggregate approximately 9,963.79 acres, all of which are public lands managed by the Bureau in Washoe County, Nevada and Lassen County, California.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas J. Owen, District Manager, Bureau of Land Management, 1050 E. William Street, 335, Suite Carson City, Nevada 89701; (702) 882–1631.

Dated: October 26, 1984.

Thomas J. Owen,

District Manager, Carson City District, Nevada.

[FR Doc. 84–28780 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–HC–M

Designation of Lassen Red Rocks Scenic Area

SUMMARY: Pursuant to the authority of 43 CFR 8352 and Delegation of Authority 1203, I have designated the public lands in the following described area the Lassen Red Rocks Scenic Area:

Mount Diablo Meridian, Nevada

T. 24 N., R. 18 E.
Sec. 29: W½SW¼;
Sec. 30: SE¼, E½SW¼;
Sec. 31: E½NW¼, NE¼, N½NE¼SE¼;
Sec. 32: W½NW¼, NW¼SW¼.

The area aggregates approximately 700 acres, all of which are public lands managed by the Bureau in Lassen County, California (500 acres), and Washoe County, Nevada (200 acres).

EFFECTIVE DATE: August 17, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas J. Owen, District Manager, Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, Nevada 89701; (702) 882–1631.

Dated: October 26, 1984.

Thomas J. Owen,

District Manager, Carson City District, Nevada.

[FR Doc. 84–28781 Filed 10–31–84; 8:45 am]

BILLING CODE 4310–11–M

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Spokane District Advisory Council will be held on Thursday, November 29, 1984. The meeting will begin at 9:30 a.m., in the Conference Room of the BLM Spokane District Office, East 4217 Main Avenue, Spokane, Washington.

The agenda for the meeting is as follows:

1. Discussion of Spokane District Annual Work Plan.
2. Discussion of the Spokane District Resource Management Plan/ Environmental Impact Statement.
3. Discussion of the status of the detached Resource Area Office in Wenatchee, Washington.
4. Discussion of the Juniper Dunes Wilderness Area.
5. Discussion of the Wild Horse and Burro Program.
6. Discussion of the status of the herbicide issue.
7. Discussion of land tenure adjustment.
8. Discussion of subleasing of grazing privileges.
9. Public comments and statements.

Any responsible person wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202, or telephone (509) 456–2570 by the close of business, 4:30 p.m., Friday, November 23, 1984. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A written report of the Council meeting will be maintained at the BLM Spokane District Office and will be made available for public inspection. Reproduction of the meeting report will be made available to the public at the cost of duplication.

The meeting is open to the public and news media.

Joseph K. Buesing,

District Manager.

[FR Doc. 84–28779 Filed 10–31–84; 8:45 am]

BILING CODE 4310–33–M

Moab District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Moab District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Moab District Grazing Advisory Board will be held on December 18, 1984. The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management District Office at 82 East Dogwood, Moab, Utah 84532.

The agenda for the meeting will include:

1. Progress report on the San Rafael Vegetation Inventory.
2. Grazing Decisions in the Price River Resource Area.

3. Progress report on the Sierra Club protest of the proposed Grand Resource Management Plan.
4. Discussion of Advisory Board Funds.
5. Discussion of Implementation of the Range Improvement Maintenance Policy.
6. Briefing on Grazing Fee status.
7. Status report of the District's seeding maintenance needs and problems.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:00 p.m. and 3:00 p.m. on December 18, 1984 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532, by December 14, 1983.

Summary minutes of the Board meeting will be maintained in the District Office and will be available within thirty (30) days following the meeting.

Gene Nodine,

District Manager.

[FR Doc. 83-28772 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-DQ-M

Idaho Falls District Advisory Council, and Idaho Falls District Grazing Advisory Board; Joint Meeting; Correction

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Joint meeting of the Idaho Falls District Advisory Council and District Grazing Advisory Board.

SUMMARY: This document corrects the agenda for this joint meeting that was published in the **Federal Register** of Thursday, October 25, 1984. The action is necessary to add one additional agenda item concerning a study of grazing fees. The corrected agenda is as follows:

1. Idaho Falls District activities up-date.
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.
4. Briefing on Grazing Fee Study.

DATES: The joint meeting is scheduled Thursday, December 6, 1984, beginning at 9 a.m. at the Idaho Falls BLM Office, 940 Lincoln Road in Idaho Falls, Idaho.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401 Telephone: (208) 529-1020.

October 25, 1984.

O'dell A. Frandsen,

District Manager.

[FR Doc. 84-28773 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-84-M

Cottonwood Resource Area, ID; Vehicle Retriction Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Title 43, Code of Federal Regulations, 8341.2 that portions of the Buffalo Gulch Road and the Maurice Creek Timber Sale access roads in their entirety are closed to all use by wheeled, motorized vehicles. The affected roads and road segments are located within sections 17, 18, 20, 21, and 28, T.29N., R.8E., B.M. Maps depicting the closed road segments are available for public inspection at BLM, Cottonwood Resources Area Headquarters, Route, 3, Box 181, Cottonwood, Idaho and BLM, Coeur d'Alene District Office, 1808 North Third, Coeur d'Alene, Idaho.

This restriction is necessary to preclude vehicle caused soil disturbance of the area until stabliization projects are completed.

This restriction does not apply to:

(1) Any Federal, State or local official or member of an organized rescue or fire fighting force while in the performance of an official duty.

(2) Any BLM employee, agent, contractor or cooperator while in the performance of an official duty.

(3) Any person who is expressly authorized by the Authorized Officer to operate a vehicle in the closed area for private residence ingress or egress.

This restriction becomes effective immediately and will remain in effect until revoked or rescinded.

Signed at Coeur d'Alene, Idaho, this 24th day of October, 1984.

Wayne Zinne,

District Manager, Coeur d'Alene District.

[FR Doc. 84-28774 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-GG-M

[C-36866]

Sale of Public Land, Park and Teller Counties, CO; Modification of Original Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Modification of original notice of realty action.

SUMMARY: This notice modifies the original Notice of Realty Action C-36866 published in the **Federal Register** on July 24, 1984 (49 FR 29854 and 29855). In accordance with this original notice, on November 7, 1984, unsold parcels will be offered by competitive bidding to the general public. The publication of this modification in the **Federal Register** shall segregate the public lands described in the original notice of realty action from all appropriation under the general mining laws. This segregation 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 of this modification, whichever occurs first. For a period of 45 days from the date of publication of this modification, interested parties may submit comments to the District Manager, Canon City District Office, Bureau of Land Management, 3080 East Main, P.O. Box 311, Canon City, Colorado 81212. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this modification of original notice of realty action and issue his final determination.

Further Information

A revised detailed sales prospectus containing minimum bid prices, bidding procedures, payment requirements, and conditions of sale will be available by request from the Canon City District Office, 3080 East Main, P.O. Box 311, Canon City, Colorado 81212.

Donnie R. Sparks,

District Manager.

[FR Doc. 84-28775 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-JB-M

[A-19339]

Proposed Withdrawal and Opportunity for Public Hearing; Arizona

October 24, 1984.

The Immigration and Naturalization Service, U.S. Department of Justice on August 7, 1984, filed application Serial No. A 19339 for the withdrawal of the following described land:

Gila and Salt River Meridian, Arizona

T. 13 S., R. 5 W.,
Sec. 24, SW¼SE¼SW¼ and S½SE¼ SW¼SW¼ lying east of the highway right-of-way.

The area contains approximately 11 acres in Pima County, Arizona.

The Immigration Service desires the land for the construction of a permanent border patrol station at Ajo for immigration enforcement responsiblity of 80 miles of International Boundary ending at the Yuma County line.

For a period of 90 days, from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting. The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is rejected or the withdrawal is approved prior to that date. The two year segregative period does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws.

All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-28776 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-32-M

Minerals Management Service

Development Operations Coordination Document; Union Oil Co. of California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 5502, 5503, and 5550, Blocks 211 and 212, Eugene Island Area, and Block 175, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Dulac and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on October 24, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affectred local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: October 24, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-28792 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-MR-M

State Requests for Delegation of Royalty Management Authority; Amendment to Notice of Public Hearing

AGENCY: Minerals Management Service, Interior.

ACTION: Amendment to Notice of Public Hearings on State Requests for Delegation of Royalty Management Authority.

SUMMARY: The notice of public hearings on State requests for delegation of authority (49 FR 40107) is amended to include a petition for delegation of audit authority received from the State of California.

DATE: The hearing will be held at 9:00 a.m., as follows:

Hearing Date and Subject of Hearing

November 9, 1984—Petition of the State of California

ADDRESS: The hearing will be held at the following location:

Hearing Date and Location of Hearing

November 9, 1984—2020 Hurley Way, Suite 160, Sacramento, California 95825

Written comments should be sent to the following address:

Mr. Milton Dial, Chief, Royalty Compliance Division, P.O. Box 25165, Denver Federal Center, MS 655, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Milton K. Dial, Chief, Royalty Compliance Division, P.O. Box 25165, Denver Federal Center, MS 655, Denver, Colorado 80225.

SUPPLEMENTARY INFORMATION: On October 12, 1984, the Minerals Management Service (MMS) issued a notice of public hearings on requests for delegation of authority received from the States of Wyoming, Colorado, Utah, North Dakota, Oklahoma, Montana and

Alaska (49 FR 40107). Those requests were submitted under the provisions of Section 205 of the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1735, and the implementing regulations found at 30 CFR Part 229 (49 FR 37336 and 49 FR 40024). Subsequent to that date, the MMS received a request for delegation of authority from the State of California and a hearing has been scheduled for November 9, 1984.

For details on the topics for discussion at the California hearing, the reader is refered to the original notice.

Any interested person may submit written comments on the State of California's request for delegation. Written comments on California's request will be accepted by MMS until December 3, 1984.

Dated: October 31, 1984.

Orie L. Kelm,

Acting Associate Director for Royalty Management.

[FR Doc. 84-29020 Filed 10-31-84; 12:45 pm]

BILLING CODE 4310-MR-M

National Park Service

Availability and Public Meeting Draft Land Use Plan/Cultural Landscape Report/Environmental Assessment; Boxley Valley Buffalo National River Arkansas

Pursuant to the National Environmental Policy Act of 1969, and Title 40 of the Code of Federal Regulations, the National Park Service has prepared a Draft Land Use Plan/ Cultural Landscape Report/ Environmental Assessment for Boxley Valley, Buffalo National River, Searcy, Newton, Baxter and Marion Counties, Arkansas.

The draft plan contains a proposal and three alternatives to provide a management strategy for Boxley Valley. Boxley Valley was identified in the legislative history of the park's enabling legislation (Pub. L. 92-237; House Report 92-807) to remain in private use to retain the rural agricultural setting and perpetuate the pastoral scene. The area provides the most significant cultural landscape found along the Buffalo River and exemplifies the traditional Ozark Mountains valley settlement pattern. The new plan will supplement the Master Plan for Buffalo National River of 1975, and provide more detailed guidance on a resource management, land use, visitor use, development, and land management agreements for the valley.

Copies of the draft plan are available from Buffalo National River, Post Office Box 1173, Harrison, Arkansas 72601; and the Southwest Regional Office, National Park Service, Post Office Box 728, Sante Fe, New Mexico 87501.

A Public Meeting is scheduled for November 15, 1984, at 7:00 p.m., at the Boxley Community Building, Boxley, Arkansas.

Anyone wishing to provide comments on the draft plan are invited to ask questions or submit comments at the Public Meeting, or provide written comments to the Superintendent, Buffalo National River, Post Office Box 1173, Harrison, Arkansas 72601 within 30 days from the publication date of this notice.

Dated: October 23, 1984.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 84-28825 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights Within the Jefferson National Forest, VA

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Request for comments.

SUMMARY: The Blackmore Development Associates (Blackmore) is seeking a determination that its proposed surface coal mining operations on Federal lands in the Jefferson National Forest, Scott and Wise Counties, Virginia, are not prohibited or limited by section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Specifically, Blackmore has requested the Office of Surface Mining Reclamation and Enforcement (OSM) to determine that it has "valid existing rights" (VER) under section 522(e) of SMCRA. By this announcement, OSM is providing public notice of Blackmore's request and soliciting public comment thereon.

DATES: Written comments may be submitted until 4:30 p.m. on December 3, 1984.

ADDRESSES: Written comments should be mailed or hand delivered to: Administrative Record, Office of Surface Mining, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dyrel Delaney, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone (202) 343-5866.

SUPPLEMENTARY INFORMATION: Section 522(e)(2) of SMCRA prohibits, subject to "valid existing rights" (VER), "surface coal mining operations" on "any Federal lands within the boundaries of any national forest." The term "valid existing rights" is defined in 30 CFR 761.5 (48 FR 41312-41356; September 14, 1983).

Blackmore has requested that OSM make a determination that it possesses VER for its planned surface coal mining operation on Federal lands in the Jefferson National Forest in Scott and Wise Counties, Virginia, and, therefore, that Blackmore is not prohibited or limited by section 522(e). The Company alleges that it has the right to mine for coal pursuant to a coal lease from the purported mineral owners, Hagan Estate, Inc. (Hagan). Blackmore asserts that the lease grants the exclusive rights to mine coal on 16,168 mineral acres. Blackmore has supplied OSM with information relevant to the VER request.

OSM invites public comment or information which may be relevant to the evaluation of Blackmore's application. Among the issues on which OSM seeks comment are: the extent to which coal mining using surface mining methods (strip mining) occurred in Scott, Wise or surrounding counties in 1937 or before; the feasibility of mining any of the coal at issue by underground mining techniques; the accessibility of any of the coal at issue by means other than over Forest Service lands; the availability of any marketable minerals other than coal (such as oil and gas) on the Hagan property and the approximate location and quantities of any such materials; all available information on coal mining operations on the Hagan mineral estate since 1937 (including the dates of any such operations and the mining techniques); and, the status of the legal title to the surface estate and to the mineral estate.

The comment period will remain open until 4:30 p.m. on December 3, 1984. Following the close of the comment period, OSM will publish a final determination which will take into account all comments and information in the Administrative Record.

Dated: October 26, 1984.

Wesley R. Booker,

Director.

[FR Doc. 84-28830 Filed 10-31-84; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-220)A]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Pottawattamie and Cass Counties, IA

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 5.39 mile rail line between railroad milepost 13.0 near Elliott and milepost 18.39 near Griswold, in Pottawattamie and Cass Counties, IA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-28762 Filed 10-31-84; am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-48X)]

Rail Carriers; Missouri Pacific Railroad Co.; Exemption To Permit Abandonment Between Natchez, MS and Vidalia, LA; Exemption

On October 12, 1984, Missouri Pacific Railroad Company (MP) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*, to permit abandonment and discontinuance of service over the car ferry and a portion of trackage from Natchez, MS, over the Mississippi River, to Vidalia, LA. This includes (1) at Vidalia, the tracks extended between mileposts 651.6 and 652.1, and between mileposts 0.0 and 0.6, a total distance of 1.1 miles; (2) car ferry operations over about 1 mile of the Mississippi River; and (3) at Natchez, the tracks extended between mileposts 0.4 and 1.3, and between mileposts 0.0 and 0.4, a total distance of 1.3 miles.

MP earlier filed a similar notice in Docket No. AB-3 (Sub-No. 44X) for exemption of the same trackage plus an additional 2.1-mile segment. The Commission served a notice of exemption July 30, 1984, permitting the abandonment. However, on September 28, 1984, the Commission voided this notice under 49 CFR 1152.50(d)(3), because local traffic had moved over the 2.1-mile segment in question within the past two years. Accordingly, the prior notice was rejected; this new filing essentially corrects the last one, since it excludes the 2.1-mile segment which did not meet the exemption criteria.

MP has certified that: (1) No local traffic has moved over the line for at least 2 years and overhead traffic destined to Natchez may be interchanged to Illinois Central Gulf Railroad for movement to Natchez, and (2) no formal complaint filed by a user of rail service over the line (or by a State or local entity acting in behalf of such user) regarding cessation of service over the line is either pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Mississippi and Louisiana Public Service Commissions have been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to Oregon Short Line R. Co.-Abandonment-Goshen, 360 I.C.C. 91 (1979).

The exemption will be effective December 1, 1984, unless stayed pending reconsideration. Petitions to stay the effective date of the exemption must be filed by November 9, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 21, 1984, with: Office of the Secretary, Interstate Commerce Commission, Case Control Branch, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, Union Pacific System, 1416 Dodge St., Rm 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if the exemption is conditioned upon environmental or public use conditions.

Decided: October 24, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-28763 Filed 10-31-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 452]

Railroad Cost of Capital, 1983; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: On *October 31, 1984*, the Commission served a decision to update its estimate of the railroad industry's cost of capital for 1983. The composite cost of capital for 1983 is found to be 15.3 percent based on a current cost of debt of 11.7 percent; a cost of equity capital of 16.8 percent; and a 29.4 percent debt/70.6 percent equity capital structure mix. The cost of capital findings made in this proceeding will enable the Commission to make its annual determination of railroad revenue adequacy for 1983. The scope of the decision is specifically limited to the required annual updating of the railroads' cost of capital.

ADDRESSES: To purchase copies of the full decision contacts:

TS Infosystems, Inc., Room 2227, 12th & Constitution Avenue, NW., Washington, DC 20423

(202) 289-4357—DC Metropolitan Area

(800) 424-5403—toll free for outside DC area

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275-7489.

SUPPLEMENTARY INFORMATION: The cost of capital findings in this decision should be utilized to evaluate the adequacy of railroad revenues for 1983, under the procedures and standards promulgated in Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, 364 ICC 803 (1981). These findings may also be utilized in proceedings involving the prescription of maximum reasonable rate levels.

Dated: October 18, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio. Commissioners Simmons, Lamboley and Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 81-28764 Filed 10-31-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importers of Controlled Substances; Registration; Mallinckrodt, Inc.

By Notice dated March 30, 1984, and published in the Federal Register on April 6, 1984, (49 FR 13756), Mallinckrodt, Inc., Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw Opium (9600)	II
Opium Plant Form (9650)	II
Concentrate of Poppy Straw (9670)	II

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: October 24, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-28787 Filed 10-31-84; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application; Marion Laboratories, Inc.; Analytical

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 20, 1982, Marion Laboratories Inc., Analytical Systems, Inc. Division, 23162 La Cadena Drive, Laguna Hills, California 92653, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
1-phenylcyclohexylamine (7460)	II
Ecgonine (9180)	II
Phencyclidine (7471)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than (30 days from publication).

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-28786 Filed 10-31-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 84-167; Exemption Application No. D-3335 et al.]

Grant of Individual Exemptions; Alaska National Bank of the North, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Alaska National Bank of the North (ANBN) Located in Fairbanks, Alaska

[Prohibited Transaction Exemption 84-167; Exemption Application Nos. D-3335, D-3336 and D-3337]

Exemption

I. Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between ANBN and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by ANBN provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of ANBN who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and ANBN involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to ANBN with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not

part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of ANBN, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan; and

E. ANBN shall maintain for the duration of any Mortgage or Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records referred to above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

II. Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14), (F), (G), (H), or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 6, 1984 at 49 FR 35261.

Effective Date: The effective date of this exemption is January 1, 1975.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Honeywell Retirement Plan, Honeywell Pension Plan, Honeywell Protection Services Plan, and Honeywell Hyde Park Pension Plan (Collectively, the Plans) Located in Minneapolis, Minnesota

[Prohibited Transaction Exemption 84-168; Application Nos. D-4485, D-4486, D-4487 and D-4488]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed contribution to the Plans of a 8.029% limited partnership interest by Honeywell, Inc. (the Employer), provided that the partnership interest is not valued at more than its fair market value at the time it is contributed.*

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 6, 1984 at 49 FR 27847.

Comments and Hearing Requests

One comment was received from a beneficiary of the Plans requesting that the exemption request be denied. The commentator questioned the high risk in investing in venture capital partnerships and the poor performance of the partnership to date. The commentator asked why the Plans should accept a 12.8% interest in a partnership that has been diluted to a current level of 8.029%. The comment letter also questions the ability of Bigler Investment Co. (Bigler) to act as independent fiduciary and recommends that two additional investment counselors be added to review the proposed transaction.

The applicant in response to the comment states that the partnership interest purchased by the Employer has increased in value since its acquisition in 1979 from $5 million to $10 million. The applicant believes that the partnership interest is a solid investment and that it has an excellent chance to increase in value. Also, the applicant represents that investment within a venture capital partnership is considered to be less risky following five good years of performance than at the time of formation. With respect to the question of dilution of the partnership interest, the applicant states that the original 12.8% interest in the partnership was diluted to 8.029% due to further purchases by other partners. The applicant maintains such dilution is common in investments of this nature and does not mean that something has been taken away for no value. The applicant explains that Honeywell's share of the total partnership was decreased because the partnership accepted more investors but those partners also invested additional dollars so that the total partnership was proportionately more valuable. With respect to the commentator's question of Bigler's broad based experience in venture capital partnerships is more relevant than the size of the institutions Bigler has advised. Accordingly, Bigler's experience is more than sufficient to serve as the Plan's adviser in this transaction.

The comment raises several other questions which either were discussed in the proposed exemption or do not go to the merits of the case.

After consideration of the entire record, the Department has determined to grant the exemption.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Helene Curtis Industries, Inc. Employees' Profit Sharing Retirement Plan Located in Chicago, Illinois

[Prohibited Transaction Exemption 84-169; Exemption Application No. D-51951]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continuation past June 30, 1984 of a lease of certain improved real property (the Property) by the Plan to Helene Curtis Industries, Inc. (the Employer), the sponsor of the Plan; provided that the terms and conditions of such lease are at least equivalent to those which the Plan could expect in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 6, 1984 at 49 FR 35265.

Effective Date: If granted the exemption will be effective July 1, 1984.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction

*In this exemption, the Department expresses no opinion as to the prudence of the proposed contribution to the Plans under section 404(a)(1) of the Act. The Department notes that under section 404(a)(1) of the Act, a fiduciary in making investment decisions must act solely in the interest of a plan's participants and beneficiaries and for the exclusive purpose of providing benefits to participants and their beneficiaries.

provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 25th day of October, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-28813 Filed 10-31-84; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3362, et al.]

Proposed Exemptions; the Washington Mortgage Company, Inc., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests: All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Notice to Interested Persons: Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, Apr. 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

The Washington Mortgage Company, Inc. (WMC) Located in Seattle, Washington

[Application Nos. D-3362 and D-3363]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) as follows:

I. Effective August 14, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1)(A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between WMC (and its successor corporations as described herein) and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of WMC who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and WMC involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to WMC with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of WMC, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan; and

E. WMC shall maintain for the duration of any Mortgage or Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records mentioned above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: Any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

II. Effective August 14, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise

apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14), (F), (G), (H), or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

Summary of Facts and Representations

1. WMC specializes in financing conventional and Federal Housing Authority (FHA) insured income producing real estate projects, including the negotiation of long term commitments, the processing of loans through closing, the disbursement of funds during construction, and the servicing of loans on completed projects. The company became an FHA approved mortgage on September 11, 1958. As of year end 1983, WMC had $203 million in loans of record (original face amount) for projects under construction.

2. As of October 1, 1982, the corporate structure of WMC was changed when a subsidiary of Puget Sound Bancorp (Puget) purchased substantially all of the assets of WMC. WMC thereby became known as the Washington National Corporation (WNC), which succeeded to all of the liabilities of WMC, including potential liabilities for violations by WMC under the Act. WNC is no longer involved in the mortgage banking business as such business is being performed by two wholly-owned subsidiaries of Puget, the Washington Mortgage Corporation (Mortgage) and the Washington Mortgage Servicing Corporation (Servicing). Mortgage performs the mortgage banking business (construction lending and permanent loan placement) and Servicing performs the servicing functions formerly conducted by WMC. The exemptive relief proposed herein will apply retroactively to WNC as successor corporation to the liabilities of WMC and retroactively, from October 1, 1982, and prespectively to the functions performed by Mortgage and Servicing. WMC and its successor corporations [WNC (with respect to its position as sucessor to WMC of all of its liabilities), Mortgage, and Servicing] will be referred to herein as WMC.

3. Specifically, the WMC works on behalf of borrowers/developers in arranging construction financing and permanent loan financing on commercial and multi-family residential real estate projects. WMC secures permanent financing alternatively by: (1) Committing directly to the borrower for permanent financing with the intention of later securing a permanent lender; (2) committing to the borrower based on a commitment for permanent financing provided by another lending institution to WMC; or (3) securing for the borrower, directly, a commitment from another lending institution for the permanent financing with such a commitment going directly from the lending institution to the borrower, but assigned to WMC during the construction phase as additional collateral and security for the construction loan.

4. As compensation for securing permanent financing, WMC charges a loan fee to the borrower based on a percentage of the financing secured. These rates range from .5% to 2% of the amount of permanent financing secured. In many instances, this fee to WMC is reduced by commitment fees which WMC must pay to the permanent lender. WMC will, on rare occasions, act as a broker only, whereby it negotiates permanent financing on behalf of the borrower, and then closes the transaction on behalf of the borrower and the permanent lender. As consideration for this service, they charge a fee ranging from 1% to 2% of the total amount of the transaction. In this type of transaction, the WMC provides no construction financing and does not provide loan servicing to the permanent lender.

5. From 1975 through 1979, WMC arranged with commercial and/or savings and loan banks and with the fiduciaries of the Plans to combine in providing permanent financing to certain borrowers/developers. The plans involved were Alaska Carpenters Retirement Fund (Carpenters), Alaska Electrical Pension Fund (Electrical), Alaska Plumbing and Pipefitting Industry Pension Trust Fund (Plumbing), Alaska Teamsters Employer Pension Trust (Teamsters), NabAlaska No. 337, a nominee for Common Trust Fund A, a commingled collective trust fund for qualified employee benefit plans, managed by the trust department of the National Bank of Alaska (NabAlaska), and the Alaska Hotel and Restaurant Employees Pension Fund (Hotel). As of December 31, 1981, the Plans had total participants of over 26,000. In such situations the banks always acted as the "lead lenders", as participations in the permanent loans were assigned to the Plans by the banks either at the time WMC assigned its security interest in the permanent financing to the lead lender, or at a later date.

6. The first past transaction involved a commitment for financing by WMC to Anchorage Distribution Associates on April 30, 1975, whereby Carpenters, Electrical, and Plumbing committed on May 6, 1975, to a 50% participation in a permanent loan in the amount of $1,237,500. Subsequently, on August 14, 1975, WMC agreed to service the permanent loan on behalf of the lead lender, the Puget Sound Mutual Savings Bank, and the above plans. Therefore, WMC became a "service provider", and a party in interest as defined in section 3(14)(B) of the Act, with respect to the above plans.[1] Accordingly, subsequent transactions involving sales or transfers of mortgage loans or participation interests therein between WMC and the plans involved an act described in section 406(a) of the Act. With respect to prospective transactions the Plans involved include the above Plans and other interested plan investors.

7. In each of the past loan transactions WMC represents that it was approached by the borrowers for permanent financing. WMC then evaluated the project and prepared a proposal for permanent financing, which was presented to potential permanent lenders, including the Plans. Each of the proposals included an MAI appraisal of the underlying property, financial statements and credit reports for the borrowers, history and financial statements for the builder, and other information detailing the project.[2]

8. Kennedy/Boston Associates, Inc. (Kennedy), an investment manager as defined in section 3(38) of the Act, acted as the fiduciary of Carpenters, Electrical, Plumbing, and Hotel with respect to the commitment of these Plan's assets in the transactions. With respect to Teamster and NabAlaska investments, the decision to participate was made, respectively, by the Teamster's plan administrator, and the National Bank of Alaska's trust department.[3] WMC was independent of

[1] By agreements dated May 8, 1976, with Carpenters, Electrical, Plumbing, and Hotel, and by agreement dated February 16, 1979, with NabAlaska, WMC entered into servicing agreements with the above plans. WMC did not enter into any loan servicing agreements with Teamsters.

[2] The Department notes that the application does not address the separate prohibited transactions under section 406(a)(1)(B) of the Act which would exist should any of the Mortgages or Participation Interests purchased by the Plans involve loans to any party in interest with respect to the purchasing Plan. Accordingly, no relief is afforded by this proposed exemption for such transactions. However, WMC will request from the date of the grant of this exemption potential borrowers to list in their loan application their relationship to any pension plan in an effort to assist a potential purchasing plan in determing whether the borrower may be a party in interest.

[3] The Department notes that where the construction on the property which secures the

Continued

and unrelated to Kennedy, and the fiduciaries of Teamsters and NabAlaska, and did not influence or have any role in the decision of the fiduciaries to participate in the past permanent financing arrangements. WMC further represents that all investment decisions made by a Plan to purchase a permanent loan or participation therein will continue to be made by parties independent of and unrelated to WMC.

9. The applicant represents that the yield provided to the Plans by the instruments has been and will continue to be the prevailing rate on comparable mortgages at the time of sale. The instruments previously sold to Plans have had an excellent repayment history with no Plan experiencing any losses. There have been no foreclosures on any instruments previously sold to Plans.

10. The Plans pay no investment management, investment advisory, sales commission or similar fees to WMC with respect to the acquisition of Mortgages or Participation Interests. The applicant represents that all construction and permanent financing fees paid to WMC as a result of the permanent financing arrangements were paid by the borrowers/developers. In certain of the above loans, a portion of such fees were paid directly to the permanent lenders, including the Plans. WMC represents that the fees it charges for arranging permanent financing and servicing the loans are usual and customary in the industry. The applicant represents that the Plans have paid and will pay no more for Mortgages and Participation Interests than have been or would be paid by an unrelated party in an arm's length transaction.

11. All transactions relating to the Mortgages or Participation Interests are controlled by a servicing agreement (Servicing Agreement) which WMC represents is typical of that used in the mortgage banking industry.[4] The Servicing Agreement is reviewed and executed by Plan fiduciaries prior to the purchases of any Mortgages or Participation Interests. Under the Servicing Agreement, WMC represents and warrants, among other things for each Mortgages or Participation Interest, that

(a) The Mortgage is a good and valid instrument and constitutes the first mortgage lien on the mortgagor's interest in the property;

(b) The full principal amount of the Mortgage, or Participation Interest therein, has been advanced to the mortgagor, the unpaid principal balance is as stated to the Plan purchasing the Mortgage or Participation Interest, the balance is free from set-off of any kind, no part of the mortgaged property has been released from the lien, no obligor has been released therefrom, and the Mortgage is not and has not been in default;

(c) The Mortgage and all prior assignments thereof, if any, have been duly recorded and all costs, fees, expenses, and the like incurred in connection with the Mortgage and the closing and recording thereof have been paid;

(d) The transferor of the Mortgage or Participation Interest to the Plan is the absolute owner thereof, has the authority to make the assignment, and the assignment is valid;

(e) There is in effect a paid-up policy of title insurance covering the Mortgage issued by an accredited title company insuring that the Mortgage is a first lien upon the property and that the transferor is the owner of the indebtedness secured by the Mortgage;

(f) The property is free from waste, strip or damage by fire or other hazard; and

(g) WMC is duly qualified as an approved mortgagee with the Federal Housing Commissioner.

12. The duties of WMC under the Servicing Agreement include the following:

(a) To collect all payments due on the Mortgages as they become due;

(b) To segregate and hold all funds collected and received separate and apart from any of its own funds and to deposit such funds in accordance with the rules and the regulations of the FHA in a national or state bank whose deposits are insured by the FDIC and to pay from such funds FHA insurance premiums, ground rents, taxes, assessments, water rates, and fire and other hazard insurance premiums;

(c) To submit to the Plan, at certain times as agreed, but at least annually, a consolidated report account for its receipts and disbursements and for the condition of all funds held on behalf of the Plan, and a certificate that all payments required to be made under the Servicing Agreement have been made; and

(d) To give prompt notice to the Plan of any default under the terms of the Mortgage, to undertake efforts to cure such default, and to implement directions given by the Plan regarding foreclosure options. Decisions regarding foreclosure options and determinations as to property management are made on behalf of the investing Plans by persons independent of WMC. As mentioned, there have been no foreclosures on any loans previously sold to Plans.[5]

13. The Servicing Agreement may be terminated by mutual consent, and a purchaser of a Mortgage or Participation Interest may terminate the Servicing Agreement upon the provision of written notice to WMC with or without cause. In this regard, a purchasing Plan will not incur any termination fee or any other charge with to a termination of the Servicing Agreement.

14. The compensation paid to WMC is agreed upon at the time the Mortgage or Participation Interest is accepted by the investing Plan. The applicant represents that the servicing fees charged to investing Plans are determined on the same basis as are the fees charged to other investors who similarly invest in Mortgages and Participation Interests. The applicant states that these fees are in a range which is usual and customary for the industry.

15. It is understood by each Plan purchasing a Mortgage or a Participation Interest, that said purchases shall be without recourse by the Plans, or the lead lender, which in combination, provide the permanent financing. However, in the case of a default on a loan where the lead lender and the particpating Plans cannot agree on a course of action, the lead lender has the right to repurchase the interest of the Plans in the loan. Conversely, if the lead lender decides not to purchase the participation interests of the Plans in the loan, the Plans may purchase the lender's interest therein.

Additionally, at the option and request of a purchaser, WMC will repurchase a Mortgage or Participation

Mortgage was by a contributing employer to the Plan and a principal of such employer exercises fiduciary authority in approving the Plan's investment in the Mortgage, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[4] No exemption from section 406 of the Act is being granted for transactions pursuant to the Servicing Agreement beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

[5] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the Plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a Plan. Moreover, if the party in interest under such lease is an employer of employees covered by the Plan, the acquisition of real property by the Plan would result in the acquisition of employer real property which may violate the provisions of sections 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

Interest at its unpaid principal balance with accrued interest if there is any breach of any warranty or representation of the Servicing Agreement by WMC. As well, a purchaser of a Mortgage or Participation Interest (i.e., a Plan) reserves the right to transfer, assign, or otherwise dispose of any instrument without the consent of WMC and without the payment of any fee by a Plan provided written notice of such assignment is provided to WMC.

16. WMC represents that as a result of being a party in interest with respect to Plans by virtue of servicing the loans or participations purchased thereby, WMC would be prohibited from engaging in other commercial transactions with these Plans, such as the making of loans, which transactions have nothing to do with the Mortgages or Participation Interests held by the Plans. The Department has considered WMC's request for relief for such transactions and has decided that because the servicing relationship is established as a necessary result of the purchase of a Mortgage or Participation Interest by a Plan, subsequent transactions between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined it would be appropriate to propose the relief from section 406(a) contained in Part II of the proposed exemption.

17. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because

(a) The transactions were and will be between the Plans and WMC and will be in the regular course of the applicant's business;

(b) All Plan decisions to invest in Mortgages and Participation Interests therein will be made by Plan fiduciaries who are independent of the applicant;

(c) The Plans have paid and will pay no more for the Mortgages or Participation Interests than would be paid by an unrelated party in an arm's-length transaction;

(d) WMC's servicing fees have been and will be similar to fees charged to other investors and have been and will be consistent with that charged in the open market;

(e) The Mortgages were and will be first liens on conventional and FHA insured, commercial and multi-family residential income producing real estate projects;

(f) The warranties and representations made by WMC regarding the Mortgages and Participation Interests are standard for these types of transactions; and

(g) The Mortgages and Participation Interests which have been sold by WMC have had a long term history of successful repayment.

Notice to Interested Persons: In addition to the notice requirement outlined in the general provisions of this notice, WMC agrees to provide a copy of the notice of proposed exemption and any subsequent grant of such exemption to all employee benefit plans with whom WMC may contract in the future to provide services as described herein. Such notification will be provided prior to WMC entering into a contract to provide such services.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

First Interstate Bank of Alaska (First Interstate), formerly known as Alaska Bank of Commerce, Located in Anchorage, Alaska

[Application No. D–3506]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) as follows:

I. Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between First Interstate and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by First Interstate provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of First Interstate who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and First Interstate involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to First Interstate with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of First Interstate, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan; and

E. First Interstate shall maintain for the duration of any Mortgage or Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records mentioned above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: Any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

II. Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14), (F), (G), (H), aor (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

Summary of Facts and Representations

1. First Interstate is a state banking corporation, chartered under the laws of the State of Alaska, with principal offices located in Anchorage, Alaska. The range of First Interstate's investments is limited by statute and consists largely of loans secured by real estate. First Interstate is regulated and audited by the Division of Banking and Securities of the Alaska Department of Commerce & Economic Development. First Interstate is insured by the Federal Deposit Insurance Corporation and is subject to the regulations and audits for insured banks. As of December 31, 1983 First Interstate had assets totaling $362,617,018.

Since January 1, 1975 First Interstate has sold Participation Interests and Mortgages to the Plans and other investors. All past sales of participation interests and mortgages involving Plans were to the Alaska Teamsters Employer

Pension Trust, the Alaska Carpenters Retirement Plan and the Alaska Ironworkers Pension Trust. With respect to prospective transactions, sales between First Interstate and the Plans include the above mentioned multiemployer pension funds and other interested plan investors. The Mortgages consist of commercial loans secured by permanent deeds of trust, some of which are partially guaranteed by the Small Business Administration (SBA). Prospective Mortgages may include multi-family residential loans secured by permanent deeds of trust. The Mortgages are originated by First Interstate in the ordinary course of its business.

2. First Interstate sells either the entire Mortgage or a Participation Interest therein. Typically, First Interstate retains a ten percent interest in a Mortgage and sells Participation Interests in the balance of the amount outstanding. Except for one savings account maintained by one Plan, First Interstate had no preexisting relationships with any of the Plans to which it initially sold a Participation Interest or Mortgage. However, by virtue of First Interstate servicing the Mortgages and Participation Interests it became a party in interest with respect to the Plans so that any subsequent sale of Mortgages or Participation Interests was a prohibited transaction. First Interstate represents that the transactions do not involve a conflict of interest or present a situation where advantage could be taken of the Plans or the trustees of the Plans because all decisions regarding investment in the Mortgages or Participation Interests are made by Plan fiduciaries who are independent of First Interstate.[1]

3. First Interstate initiates a Mortgage by reviewing a loan application from a potential borrower which includes a Mortgage proposal consisting of a summary of facts relating to the loan, setting forth such matters as the terms of the Mortgage, a description of the property securing the Mortgage and often an appraisal of the property from a qualified appraiser. First Interstate has imposed strict underwriting guidelines concerning the applicant's credit worthiness and the value of the collateral which must be satisfied before any decision is made to fund a Mortgage. If the proposed Mortgage exceeds the lending limit of the responsible bank officer, then the Mortgage package is presented to the First Interstate loan committee, currently consisting of six members of its board of directors and the President of First Interstate, who determine whether such Mortgage is a good risk and should be approved. After approval, the Mortgage package is presented to investors, typically savings and loan associations, pension plans,[2] or other financial institutions or federal agencies which purchase mortgage loans.

4. Generally, the average loan to value ratio does not exceed 75% for the Mortgages secured by commercial real estate or 80% for Mortgages secured by residential real estate. In the event a greater loan to value ratio is warranted a repayment guarantee, by, for example, the SBA or the Farmers Home Administration (FaHA), or private mortgage insurance would be required. The yield provided to the Plans by the Mortgages or Participation Interests has been and will continue to be the prevailing rate on comparable mortgages at the time of sale. The Mortgages or Participation Interests previously sold the Plans have had acceptable payment histories with no plan experiencing any losses. Four Mortgages were repurchased by First Interstate after default by the borrowers so that no loss to the Plan occurred.

5. The Plans pay no investment management, investment advisory, sales commission or similar fee to First Interstate with respect to the acquisition or sale of the Mortgages or Participation Interests. First Interstate represents the Plans have paid and will pay no more for the Mortgages or Participation Interests then have been or would be paid by an unrelated party in an arm's length transaction.

6. All transactions relating to the Mortgages or the Participation Interests are controlled by a loan participation agreement (the Participation Agreement) which First Interstate represents as typical of bank participation agreements, or a Secondary Participation Guaranty Agreement (the Guarantee Agreement) which will be discussed later in this notice.[3]

7. The Participation Agreement will be submitted to Plan fiduciaries for their review prior to a Plan's purchase of a Mortgage or Participation Interest, and will require First Interstate to represent and warrant the following for each Mortgage or Participation Interest:

(a) That the Mortgage is a valid first lien on the mortgaged property;

(b) That an American Land Title Association form of mortgagee's title insurance policy for the benefit of the Plan of the extent to the Plan's interest has been obtained on the real estate;

(c) That all relevant security agreements are valid, enforceable and perfected;

(d) That First Interstate has inspected the mortgaged property and all representations as to its value and quality are true;

(e) That insurance policies providing coverage for fire and other hazards are maintained on the mortgaged property to the extent of the Plan's Participation Interest;

(f) That with respect to those Mortgages which are insured in part by mortgage isnurance, First Interstate agrees to keep such insurance in effect until mutually terminated by the Plan and First Interstate.

8. First Interstate's duties under the Participation Agreement will include the following:

(a) To collect all payments under the Mortgages or Participation Interests as they become due;

(b) To deposit all funds received on behalf of each Mortgage or Participation Interest in a separate account on behalf of the relevant Plan and to apply all sums collected by it on account of each such Mortgage or Participation Interest for principal and interest, taxes, assessments, other public charges, repairs and maintenance and hazard fire and mortgage insurance premiums;

(c) To submit to the relevant Plan at least annually an accounting of the balances in each Plan's account together with a certificate that all disbursements were made for proper purposes as well

[1] While stating affirmatively that First Interstate would not make investment decisions regarding the Mortgages or Participation interests, the applicant was silent about who would make such decisions. In some situations it is possible that investment decisions have been or will be made by trustees of the Plans. The Department notes that where the construction on the property which secures the Mortgages was by a contributing employer to the Plan and a principal of such employer exercises fiduciary authority in approving the Plan's investment in the Mortgage, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[2] The Department notes that the application does not address the separate prohibited transactions under section 406(a)(1)(B) of the Act which would exist should any of the Mortgages originated by First Interstate and subsequently purchased by the Plans involve loans to any party in interest with respect to the purchasing Plan. Accordingly, no relief is afforded by this proposed exemption for such transactions. However, First Interstate will request from the date of the grant of this exemption potential borrowers to list in their loan application their relationship to any pension plan in an effort to assist a potential purchasing plan in determining whether the borrower may be a party in interest.

[3] No exemption from section 406 of the Act is being granted for transactions pursuant to the agreements beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

as to make available for inspection by the Plan any records maintained with respect to the Mortgage or Participation Interest;

(d) To retain physical possession of the mortgage instruments and policies of insurance;

(e) Upon default on a Mortgage to give prompt notice of default to the Plan, to foreclose upon the property, or purchase the mortgaged property at a foreclosure or trustee's sale and, if necessary, manage, maintain or dispose of the property so acquired.[4] Under certain circumstances First Interstate may be entitled to a fee of 5% of all rentals collected during its management of the mortgaged property. However, decisions regarding foreclosure options and determinations as to property management will be made on behalf of the Plans by persons indepdendent of First Interstate.

9. The Guaranty Agreements are three party agreements between the SBA (or FaHA), First Interstate and a Plan which are similar to bank participation agreements. The Guaranty Agreements are executed in a form agreed to by the SBA (or FaHA), First Interstate, and the Plan before a sale is made to a Plan. The Guaranty Agreements provide for repayment guarantees by the signatory agency when the guaranteed portion of a Mortgage is sold to a Plan. In this regard, the Guaranty Agreements provide, inter alia, that if a borrower defaults, the purchaser (Plan) or any subsequent assignee, may demand the lender (First Interstate) to repurchase the Participation Interest without recourse. If the lender does not repurchase within the stated time period, the signatory agency will repurchase the holder's Participation Interest upon written notice. Accordingly, all decisions on Mortgages covered by repayment guarantees are made in accordance with the Guarantee Agreement. First Interstate represents that is has sold only the guaranteed portion of SBA (or FaHA) loans to Plans, and will continue to only sell the guaranteed portion of such loans to Plans in the future.

10. First Interstate's compensation for servicing the Mortgages and Participation Interests is agreed to at the time each Mortgage or Participation Interest is accepted by the Plan. First Interstate represents that First Interstate's servicing fee is determined on the same basis as are the fees charged investors other than the Plans who similarly invest in Mortgages and Participation Interests. Also, First Interstate's fee is consistent with servicing fees charged throughout the United States for similar services.

11. It is understood by the parties to the Participation Agreement that the sale of a Mortgage or Participation Interest shall be without recourse. However, the Participation Agreement will state that in the event of a default on any Mortgage, First Interstate may repurchase from the Plan a Mortgage or Participation Interest upon payment of the unpaid balance of the Mortgage or Participation Interest plus interest to the date of such repurchase.

12. First Interstate represents that as a result of being a party in interest with respect to a Plan by virtue of servicing the Mortgages it would be prohibited from engaging in other commercial transactions with a Plan, such as the making of loans, which have nothing to do with the Mortgages or Participation Interests held by the Plan. Because the servicing relationship is established as a necessary result of the purchase of a Mortgage or Participation Interest by a Plan, subsequent transaction between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined that it would be appropriate to grant relief from section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) contained in Part II of the proposed exemption.

13. In summary, First Interstate represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because:

(a) The transactions were and will be between the Plans and First Interstate (a federally regulated institution) and are transactions made in the regular course of First Interstate's business;

(b) All Plan decisions to invest in Mortgages and Participation Interests were and will be made by Plan fiduciaries who are independent of First Interstate;

(c) The Plans have paid and will pay no more for the Mortgages or Participation Interests than would be paid by an unrelated party in an arm's length transaction;

(d) First Interstate servicing fee has been and will continue to be similar to fees charged other investors in the Mortgages or Participation Interests and have been and will be consistent with that charged in the open market;

(e) The Mortgages were and/or will be adequately secured by first liens on commercial property, multifamily residential property or be subject to a repayment guaranty; and

(f) The warranties and representations made by First Interstate regarding the Mortgages and Participation Interests are standard for these type transactions.

Notice to Interested Persons: In addition to the notice requirement outlined in the general provisions of this notice, First Interstate agrees to provide a copy of the notice of proposed exemption and any subsequent grant of such exemption to all employee benefit plans with whom First Interstate may contract in the future to provide services as described herein. Such notification will be provided prior to First Interstate entering into a contract to provide such services.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section. 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

[4] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the Plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a Plan. Moreover, if the party in interest under such lease is an employer of employees covered by the Plan, the acquisition of real property by the Plan would result in the acquisition of employer real property which may violate the provisions of section 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 29th day of October, 1984

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-28814 Filed 10-31-84; 8:45 am]

BILLING CODE 4510-29-33

NATIONAL CAPITAL PLANNING COMMISSION

Master Plan Submission Requirements

AGENCY: National Capital Planning Commission.

ACTION: Notice of availability of approved requirements.

SUMMARY: The Master Plan Submission Requirements were approved by the Commission on September 6, 1984, and list the contents and procedures for the submission of master plans for Federal installations in the National Capital Region and for District of Columbia installations. Copies of the requirements have been mailed to affected Federal and District of Columbia agencies.

ADDRESS: Copies of the requirements may be obtained from Samuel K. Frazier, Director, Public Affairs Division, National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576, Telephone (202) 724-0176.

FOR FURTHER INFORMATION CONTACT: Robert H. Cosby, Director, Review and Implementation Division, National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576, Telephone (202) 724-0191.

Daniel H. Shear,

Secretary to the Commission.

[FR Doc. 84-28782 Filed 10-31-84; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL COMMUNICATIONS SYSTEM

Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee; Meeting

A meeting of the Industry Executive Subcommittee (IES) of the National Security Telecommunications Advisory Committee (NSTAC) will be held beginning at 9 a.m., Thursday, November 15, 1984. The meeting will be held at The Department of State in the Loy Henderson Conference Room, 2201 C Street NW., Washington, D.C. 20520. The agenda is as follows:

A. Opening remarks.

B. Administrative remarks.

C. Briefings from task force leaders on the reports that will be presented at NSTAC IV.

D. Planning for NSTAC IV.

Any person desiring information about the meeting may telephone (20) 692-9274 or write the Manager, National Communications System, Washington, D.C. 20305.

D.C. Brown,

Captain, USN, NCS Joint Secretariat.

[FR Doc. 84-28788 Filed 10-31-84; 8:45 am]

BILLING CODE 3610-05-M

NUCLEAR REGULATORY COMMISSION

Pacific Gas & Electric Co.; Availability of Licensee's Environmental Report and Notice of Intent by the NRC To Prepare an Environmental Impact Statement

[Docket No. 50-133]

Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106 (licensee), is the holder of Operating License No. DPR-7 for the Humboldt Bay Power Plant, Unit No. 3 (the facility) located in Humboldt County, California.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the licensee has filed an environmental report, dated July 30, 1984, in support of an application to decommission the facility and extend License No. DPR-7 to November 9, 2015. The report, which discusses environmental considerations related to the decommissioning of the facility, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Eureka-Humboldt County Public Library, 636 F Street, Eureka, California 95501.

The proposed decommissioning involves placing the facility in a condition of safe storage for approximately 30 years followed by dismantling to remove residual radioactivity. The spent fuel will remain in the facility's spent fuel storage pool until a Federal repository is available to receive it.

Early in the review process the Nuclear Regulatory Commission (NRC) will hold a public scoping meeting in Eureka, California to allow members of the public to express their views or environmental concerns to NRC staff members who will be present. The time and place of the scoping meeting will be announced in local newspapers at least 2 weeks before the meeting. In addition to the public scoping meeting, written or oral comments about the facility decommissioning will be accepted by the NRC Project Manager, Peter Erickson, Mail Stop 314, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone (301) 492-7219.

After the environmental impacts of the proposed action have been analyzed by the Office of Nuclear Reactor Regulation staff with consideration given to public comments, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register** a summary notice of availability of the draft statement, with request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the **Federal Register.**

Dated at Bethesda, Maryland, this 26th day of October.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 84-28838 Filed 10-31-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-313, 50-368; License Nos. DPR-51 NPF-6 EA 84-66]

Arkansas Power & Light Co. (Arkansas Nuclear One Nuclear Station, Units 1 and 2); Order Imposing a Civil Monetary Penalty

I

Arkansas Power and Light Company, Little Rock, Arkansas 72203 (the "licensee") is the holder of License Nos. DPR-51 and NPF-6 issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Arkansas Nuclear One Nuclear Station, Units 1 and 2 respectively, in Russellville, Arkansas, in accordance with conditions specified therein. The licenses were issued to Arkansas Power and Light Company on May 21, 1974 and July 18, 1978.

II

An inspection of the licensee's activities under the licenses was conducted during the period of December 5 through December 8, 1983. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with NRC regulations and the conditions of its licenses. Consequently, a written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated July 25, 1984. The Notice states the nature of the violation, the provisions of the Nuclear Regulatory Commission requirements which the licensee had violated, and the amount of civil penalty proposed for the violation. An answer dated August 24, 1984 to the Notice of Violation and Proposed Imposition of Civil Penalty was received from the licensee.

III

Upon consideration of Arkansas Power and Light Company's response and the statements of fact, explanation, and argument for remission or mitigation of the proposed civil penalty contained therein, as set forth in the Appendix to this Order, the Deputy Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be mitigated by 50% based upon the licensee's prompt and extensive corrective actions.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay the civil penalty in the amount of Twenty Thousand Dollars ($20,000) within thirty days of the date of this Order, by check, draft or money order, payable to the Treasurer of the United States and mailed to the Deputy Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The license may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Deputy Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty; and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland this 25th day of October 1984.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Director,

Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The violation described in the NRC Notice of Violation and Proposed Imposition of Civil Penalty is restated below. The licensee's response to the Notice is summarized, and the NRC evaluation and conclusion regarding the licensee's response is also presented. The licensee's response was provided in a letter dated August 24, 1984 from John R. Marshall, Manager of Licensing, AP&L, to the Director, Office of Inspection and Enforcement. The NRC staff evaluation and conclusion include consideration of the August 24, 1984 letter, information provided during an enforcement conference held with the licensee by the Regional Administrator on March 9, 1984, and a letter dated May 16, 1984 from John R. Marshall to the Chief, Reactor Project Branch No. 2, NRC Region IV.

Restatement of Violation

1. 10 CFR Part 50, Appendix B, Criterion VII requires, in part, that licensees establish measures to assure that purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures shall include provisions, as appropriate, for source evaluations and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery.

Paragraphs 5.0 and 6.1.4 Arkansas Power & Light Company Procedure No. 1033.01 require that the quality control staff verify that Q, C, and F materials and associated documentation conform to procurement document requirements.

Contrary to the above, quality control staff inspection at the contractor site and review of received materials documentation related to purchase order Nos. 73555, 75400, and 93800, did not assure conformance to procurement requirements as evidenced by:

a. Acceptance of fastener certifications from Cardinal Industrial Products Corporation which did not comply with the mechanical test, chemical analysis, and heat treatment documentation requirements of the purchase order, and

b. Acceptance of sub-tier vendor fastener certifications from Southern Bolt & Fastener Corporation which did not comply with the quality assurance and heat treatment documentation requirements of the purchase order.

This is a Severity Level III Violation (Supplement I). Civil Penalty—$40,000.

Summary of Licensee's Response

The licensee admits that the violation occurred as described in the Notice. However, the licensee has asked that the civil penalty be either withdrawn or mitigated in its entirety because the enforcement action taken by the NRC was not timely and consequently will have little remedial effect, and because the licensee took prompt and extensive corrective actions. Specifically, the licensee:

1. Performed audits of Cardinal Industries and Southern Bolt & Fastener, which were identified as companies supplying materials lacking adequate documentation;

2. Dispositioned all affected materials lacking adequate documentation by requalification, testing or other means;

3. Placed procurement restrictions on Cardinal and Southern Bolt;

4. Evaluated all vendors from which it procured materials to ASME Code requirements in order to assure that these vendors held an ASME Code certificate and, based on that review, placed procurement restrictions on those vendors not holding an ASME code certification;

5. Revised its Qualified Vendor List based on its review of Code certificate holders;

6. Augmented its existing QC staff with personnel having expertise in ASME Code requirements;

7. Committed to participate on ASME survey teams to assure that utility concerns are addressed adequately during Code Surveys;

8. Increased source surveillance activities and vendor site surveys;

9. Initiated a training program to increase familiarity and expertise of personnel relative to ASME Code requirements;

10. Initiated an independent testing program on randomly selected warehouse stock;

11. Informed all vendors that products purchased through certain purchase orders would be subject to such independent testing;

12. Initiated an independent review of its overall procurement and receipt inspection program; and

13. Informed INPO of this matter and requested INPO to pursue possible generic actions to prevent similar deficiencies from occurring in the future.

NRC Evaluation

The NRC has concluded that the corrective actions taken were prompt and extensive. As described above, the licenses conducted an immediate review of vendor-supplied documentation and material received from vendors that had supplied ASME Section III material without an ASME Quality System Certificate. The licensee also initiated independent review of its overall procurement and receipt inspection program and this action was taken prior to issuance of the proposed civil penalty in this matter. For these reasons, the NRC has determined that the civil penalty should be mitigated by 50% in accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C.

With regard to the timeliness of this enforcement action, it is true that typically it takes about ten weeks from the time an alleged violation is identified until a resulting enforcement action is initiated. However, as noted during January 4, 1984 Commission meeting on Enforcement Policy, in certain cases, such as where an investigation is involved, the period could exceed ten weeks. In this instance, it was determined that a second licensee that had received components from the same or similar type vendors should be inspected to help place the AP&L inspection findings in perspective. This second inspection was delayed due to several scheduling problems. The final inspection report for this second inspection was released on June 20, 1984 and the resulting enforcement action against AP&L was issued five weeks later, on July 25, 1984. Therefore, although the AP&L enforcement action was delayed for a period of time, this delay was not unreasonable since the intent of the delay was to assure that the AP&L findings were treated appropriately. In any event, delay in taking an enforcement action is not a factor set out in the Enforcement Policy to be considered in mitigation of a civil penalty.

Conclusions

The violation did occur as originally stated. However, as discussed above, the civil penalty has been mitigated 50% based upon the licensee's prompt and extensive corrective action.

[FR Doc. 84-28837 Filed 10-31-84; 8:45 am]
BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of proposal(s)

(1) Collection title: Application to Act As Representative Payee.

(2) Form(s) submitted: AA-5, G-478, RB-5.

(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) Frequency of use: On occasion.

(5) Respondents: Individuals or households.

(6) Annual responses: 26,500.

(7) Annual reporting hours: 22,167.

(8) Collection description: Section 12 of the Railroad Retirement Act provides for the payment of benefits to a representative payee when an employee, spouse or survivor annuitant is incompetent or a minor. The collection obtains information used by the Board for selection of a representative payee, verification of an annuitant's capability to manage benefit payments and for monitoring the use of benefit payments by a representative payee.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Robert Fishman (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 84-28785 Filed 10-31-84; 8:45 am]
BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21431; File No. SR-BSECC-84-3]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of a Proposed Rule Change of Boston Stock Exchange Clearing Corporation

October 29, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 2, 1984, the Boston Stock Exchange Clearing Corporation ("BSECC") filed with the Securities and Exchange Commission the proposed rule change described below. The Commission is publishing this notice to solicit public comment on the rule change.

The proposed rule change established a separate fee category for post cashiering and clearing of trades executed by Boston Stock Exchange ("BSE") member specialists and traders on the BSE floor. These fees include the following: a fixed monthly charge of $1375 for each specialist or trader; $1.25 for each round lot trade; $.25 for each odd lot trade; and $5.00 for each trading account trade.

The rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities

Exchange Act Rule 19b–4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You can submit written comment within 21 days after notice is published in the **Federal Register**. That notice is expected to be published during the week of October 29, 1984. Please refer to File No. SR–BSECC–84–3, and file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Material on the rule change, other than material that may be withheld from the public under 5 U.S.C. 552, is available at the Commission's Public Reference Room and at the principal office of BSECC.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–28840 Filed 10–31–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21429; File No. SR–BSECC–84–4]

Self-Regulatory Organization; Filing and Immediate Effectiveness of a Proposed Rule Change of Boston Stock Exchange Clearing Corporation

October 26, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 19, 1984, the Boston Stock Exchange Clearing Corporation ("BSECC") filed with the Securities and Exchange Commission the proposed rule change described below. The Commission is publishing this notice to solicit public comment on the proposed rule change.

The proposed rule change increase fees to BSECC members for use of the National Institutional Delivery System ("NIDS").[1] The proposal passes through to BSECC members a recent 15% surcharge on Depository Trust Company NIDS monthly billings.[2]

[1] *See* Securities Exchange Act Release No. 19437 (January 18, 1983), 48 FR 3441 (January 25, 1983) for a description of NIDS. All active participants in NIDS, including BSECC, are linked to Depository Trust Company ("DTC"), which acts as the central processing hub for NIDS.

[2] *See* File No. SR–DTC–84–4, Securities Exchange Act Release No. 21187 (July 31, 1984), 49 FR 31357 (August 6, 1984) in which DTC established a 15% surcharge on monthly billings to prevent an operating deficit in 1984.

The rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You can submit written comment within 21 days after notice is published in the **Federal Register**. That notice is expected to be published during the week of October 29, 1984. Please refer to File No. SR–BSECC–84–4, and file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Material on the rule change, other than material that may be withheld from the public under 5 U.S.C. 552, is available at the Commission's Public Reference Room and at the principal office of BSECC.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–28842 Filed 10–31–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–21433; File No. SR–NASD–84–26]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.; Relating to Implementation of the Small Order Execution System for Transactions in Over-The-Counter Securities

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1984, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 19, 1984, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission with proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The National Association of Securities Dealers Inc. ("NASD") has filed as a stated policy, practice or interpretation, a description of a new facility which has been designed and developed by NASD Market Services, Inc. a subsidiary of the NASD.

NASD Market Services, Inc. has developed a Small Order Execution System ("SOES") which is an order routing and execution system, specifically designed to execute limited size orders (initially 500 shares) in over-the-counter securities. SOES was designed by representatives of the securities industry and built by NASD Market Services, Inc. to provide an efficient and economical facility for the execution of small retail agency orders in NASDAQ securities. Initially, a limited number (less than 100) of NASDAQ/NMS securities will be included in SOES with additional eligible securities being added as quickly as possible in phases consistent with system operational considerations. Eventually all NASDAQ securities will be considered for inclusion in the system. The system shall provide SOES participants with an automatic execution of over-the-counter orders of limited size and in addition, will automatically report transactions to the National Market Trade Reporting System, if required, for dissemination to the public and the industry and "lock in" these trades by sending both sides of the transaction to the applicable clearing corporations designated for clearance and settlement and provide participants with sufficient monitoring and updating capabilities to enable them to participate effectively in an automated execution environment.

The system has been designed in a manner which provides for future expansion capability. Thus, it should be capable of adding additional features that are identified for future phases without requiring a complete or substantial redesign effort.

SOES will initially operate from 10:00 a.m. until 4:00 p.m. eastern time.

Utilization of SOES by NASD members is voluntary. A firm may participate in SOES as either a market maker or an order entry firm. In order to become eligible for participation in SOES, a market maker or order entry firm must qualify for participation in the system through execution of an application and agreement for SOES and otherwise comply with the Rules of Practice and the Procedures applicable to SOES. A firm may be authorized to act as an entry firm, market maker or both in the system, and must have at least one NASDAQ terminal that has the required technical capability for participation in the system. The

NASDAQ Level 2/3 display for each security will indicate, by symbol, whether the security is eligible (but not active) for SOES market maker registration, or active in SOES trading, and which NASDAQ market makers are active SOES participants in the security. Market makers may, using their own terminals, temporarily withdraw and restore their participation in SOES at will. Further, a withdrawal from SOES will not effect the market makers ability to trade at his quotation displayed in the NASDAQ system via telephone. Orders may be entered into SOES via a NASDAQ terminal or a computer-to-computer interface (CTCI) between a firm's internal system and the SOES computer.

Once a firm is authorized as a SOES participant, the firm is eligible to participate as either a SOES market maker or order entry firm in any eligible SOES security. A market maker may be authorized as a SOES market maker in a particular SOES security by contacting the SOES supervisor for each security with respect to which participation is initially sought. The market maker will be accorded the opportunity to determine whether he will accept preferenced orders, so long as all preferenced orders are accepted on a non-discriminatory basis. Such participation will be promptly accomplished by the supervisor through his online control and updating procedures. Thereafter the market maker may withdraw and reenter as a SOES market maker in that security through his individual terminal, without further contact with the SOES supervisor. As long as the SOES market maker remains active in a security, he remains obligated to execute any orders directed to him through the system.

An order entry firm, subsequent to initial authorization, may enter a retail agency order without contact with the SOES supervisor, via the NASDAQ terminal utilizing an order entry mask, or via a computer-to-computer interface, utilizing a CMS format entry. SOES executions will have a maximum size limit which shall be initially set at 500 shares. SOES order entry firms will therefore, be able to enter orders with a quantity in the range of 1 to 500 shares. Each order, when executed, will be executed against one market maker.

SOES orders may be entered as either market or limit orders and also may be preferenced to a specific SOES market maker or be non-preferenced. Non-preferenced orders will be executed against active SOES market makers on a rotational basis. It is presently contemplated that an enhancement will be added to the system within the next eighteen months that will limit this rotation to SOES market maker displaying a quote equal to the inside market. Preferenced orders will be directed to the preferenced market maker for execution. If the preferenced market maker is not active in SOES, or has chosen not to accept preferenced orders, the order will enter the execution rotation as if entered as non-preferenced.

Limit orders will only be executed if the NASDAQ inside quote is equal to or better than the limit price. If the NASDAQ inside quote is not equal to or better than the limit price, the order will immediately be returned to the order entry firm. Both market and limit orders will be executed at the NASDAQ inside price. If the order was to buy, the execution price will be equal to the inside ask price. If the order was to sell, the execution price will be equal to the inside bid price.

Notifications of executions are sent immediately to both the order entry and market maker firms. At the order entry location, the execution message will be either displayed on the NASDAQ terminal utilized for entry of the order or transmitted back on the computer interface (CTCI) line if it was so entered. The market maker will receive notification of the execution on the terminal designated by the firm to receive execution messages for that security. Notifications of executions are displayed in the scrolling message partition on the terminal. SOES market makers may also elect to receive execution reports via a CTCI to their internal trading support system or to a NASDAQ printer.

SOES market maker participants that have more than one terminal and/or printer must specify, by security, which terminals (and/or printers) should receive messages related to the security. Each SOES execution report may be delivered to a terminal and a printer. In addition, the SOES participant may specify for each terminal/printer, an alternative terminal/printer, if available, to receive the SOES messages in the event the primary device becomes inoperative. If execution messages are undeliverable to the firm due to technical problems, the messages shall be delivered to a default device in the SOES Operations Center in New York.

Both SOES market makers and order entry firms may query the current day's SOES order file in order to retrieve information on SOES orders and/or execution reports. In addition, the market makers shall be able to query SOES during the online day to determine, on an individual security basis, their total number of shares bought and sold and their total number of trades bought and sold through SOES for that security.

The SOES system shall automatically forward the appropriate trade data for SOES executions to the National Market Trade Reporting System for subsequent dissemination via the NASDAQ/NMS Trade System.

All SOES executions result in "locked-in" trades. Both sides of the SOES trade will be made available to the TAR service for subsequent transmission to the clearing corporation designated by the SOES participant. These trades will be uniquely identified in the clearing contract sheets as SOES trades. All SOES subscribers shall be required to be a member of or have an arrangement with a member of a clearing corporation.

The SOES system shall provide the SOES Operation supervisor with off-line regulatory reports detailing all SOES executions and off-line listings of all eligible/active SOES securities.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the development and implementation of SOES is to improve the efficiency of execution of transactions in over-the-counter securities through the use of new data processing and communications techniques.

The statutory basis for the development and implementation of SOES is found in section 11A(a) (1)(B) and (C)(i), 15A(b)(6), and 17A(a)(1)(B) and (C) of the Securities Exchange Act of 1934 ("Act"). Section 11A(a) (1)(B) and (C)(i) sets forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communications

techniques. Section 15A(b)(6) requires that the rules of the Association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market . . . " Section 17A(a)(1) (B) and (C) sets forth the Congessional goal of reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The Association believes that the introduction of SOES will further these ends by providing an enhanced mechanism for the efficient and economic execution and clearance of transactions in over-the-counter securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

SOES is a service to which participants subscribe on a voluntary basis and as such the Association believes that it imposes no burden on competition. To the extent that any burden on competition may be found to exist, the Association believes that the benefit of increase efficiency of SOES will outweigh any potential burden upon competition and materially advance the purposes to be served under the foregoing sections of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

Comments were neither solicited nor received in connection with the development and implementation of SOES. However, it should be noted that the conceptualization and design of this system was attained through the participation of a broad cross section of participants in the over-the-counter market.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 120 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization located at 1735 K Street, NW., Washington, D.C. 20006. All submissions should refer to the file number in the caption above and should be submitted on or before November 23, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28844 Filed 10-31-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21432; File Nos. SR-PSDTC-84-13; SR-PCC-84-11]

Self-Regulatory Organizations; Pacific Securities Depository Trust Company, Pacific Clearing Corporation; Order Approving Proposed Rule Changes

October 29, 1984.

I. Introduction

On August 30, 1984, the Pacific Securities Depository Trust Company ("PSDTC") and the Pacific Clearing Corporation ("PCC") filed proposed rule changes with the Securities and Exchange Commission (SR-PCC-84-11 and SR-PSDTC-84-13) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). The proposed rule changes seek permanent approval for existing pilot programs that extend the time period for settlement of securities transactions in connection with certain exchange and tender offers. The Commission solicited but did not receive comments on the proposed rule changes.[1] As indicated below, The Commission is approving the proposed rule changes.

II. Description

The proposed rule changes would establish the pilot programs [2] as permanent programs but would not change the operational aspects of those programs. The pilot programs currently permit PCC members to submit liability notices [3] to PCC for not more than the total number of shares in their long positions on PCC's settlement statement after allocation on the morning of the fifth business day following the expiration of selected tender or exchange offers.[4] Similarly,: PSDTC participants may submit appropriate tender or deliver instructions to PSDTC on or before the fifth day following expiration of these designated tender or exchange offers. As a result, PCC and PSDTC members are permitted to continue to net securities in the Continuous Net Settlement ("CNS") system for a longer period of time, thereby reducing the number of securities certificates that must be physically delivered.

III. Discussion

PCC and PSDTC state in their filings that the proposed rule changes are consistent with section 17A(b)(3)(F) of the Act in that they promote the prompt and accurate clearance and settlement of securities transactions. In addition, PCC and PSDTC state their belief that the proposed rule changes assure the safeguarding of securities and funds in their custody or control or for which they are responsible. PCC and PSDTC also state that there have been no significant difficulties involving their participants or their internal operations since the pilot program began in April 1984.

The Commission believes that the proposed rule changes ensure the safeguarding of funds and securities in PCC and PSDTC custody or control and simplify tender and trade processing. The Commission notes that PCC and

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[1] Securities Exchange Act Release No 21353, 49 FR 39137 (Sept. 26, 1984).

[2] In April 1984, the Commission authorized PCC and PSDTC to establish these programs on a pilot basis. Securities Exchange Act Release No. 20836, 49 FR 14614 (Apr. 12, 1984).

[3] A liability notice warns PCC that if securities are not delivered by the date specified in the notice, the member will hold the defaulting party liable for the terms of the offer as announced by the bidder. That liability often exceeds the current market price of the securities as traded on organized exchanges.

[4] Tender and exchange offers with a stated expiration date and an eight day protect period following the expiration date would be included in the Program. However, PCC and PSDTC may designate securities for the program even though the terms of an offer for those securities do not meet these qualifications.

PSDTC have operated this program on a pilot basis in a safe, efficient manner, without any significant difficulty.

The Commission also believes that the proposed rules changes promote the prompt and accurate clearance and settlement of securities transactions. Under these programs PCC and PSDTC members can avoid the dangers of delay and increased fails-to-deliver associated with physical securities settlement and delivery. In addition, liability notices permit PCC members to enjoy the benefits of the tender or exchange offer with respect to securities they are due to receive through PCC's CNS system. Extension of the period within which liability notices may be submitted to PCC permits members to continue trading through the last day of the offer or probation period and permits members to tender those shares to the bidder's agent.[5] Moreover, PSDTC's extension of the deadline for tender delivery instructions through the fifth day following expiration of the tender or exchange offer will permit PCC members who tendered securities directly to the bidder's agent on the last day of an offer to cover those delivery obligations by book-entry movement.

IV. Conclusion

For the reasons stated above, the Commission finds that the proposed rule changes are consistent with the Act and the rules thereunder applicable to registered clearing agencies, and in particular, the requirements of section 17A of the Act.

It is therefore ORDERED, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes be and hereby are approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28841 Filed 10-31-84; 8:45 am]

BILLING CODE 8010-01-M

[5] The Commission recently approved PSDTC's voluntary offering program and recognized PSDTC as a qualified securities depository for purposes of Rule 17Ad-14. Under PSDTC's voluntary offering program, members may tender shares on the last day of a tender or exchange offer only if they submit a letter of transmittal directly to the bidders's agent. If the offer permits delayed delivery of securities, however, PSDTC participants may meet their delivery obligations with respect to last minute tenders through book-entry movements. *See* Securities Exchange Act Release No. 21421 (October 22, 1984).

SMALL BUSINESS ADMINISTRATION

Gill Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

[License No. 06/06-0286]

On August 22, 1984, a notice was published in the **Federal Register** (49 FR 33391), stating that Gill Capital Corporation located at 615 Soledad Street, San Antonio, Texas 78205, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1984), for a license to operate as a small business investment company under the provisions of Section 301(c) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on September 22, 1984, and no significant comments were received.

Notice is hereby given that considering the application and other information, SBA has issued License No. 06/06-0286 to Gill Capital Corporation on October 22, 1984.

Dated: October 25, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-28819 Filed 10-31-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB Sept. 25-Oct. 19, 1984

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during the period Sept. 25-Oct. 19, 1984, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. As needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify

the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from Sept. 25–Oct. 19, 1984:

DOT No: 2500
OMB No: 2137–0049
By: Research and Special Programs Administration
Title: Recordkeeping Requirements for Gas Pipeline Operators
Forms: None
Frequency: When necessary
Respondents: Gas pipeline operators
Need/Use: The gas pipeline safety regulations require operators to maintain a series of test, inspection, and maintenance records so that compliance with the standards can be ascertained.

DOT No: 2501
OMB No: 2137–0047
By: Research and Special Programs Administration
Title: Recordkeeping Requirements for Liquid Pipeline Carriers
Forms: None
Frequency: When necessary
Respondents: Liquid pipeline carriers
Need/Use: The liquid pipeline safety regulations require carriers to maintain a number of test, inspection and maintenance records so that compliance with the standards can be ascertained.

DOT No: 2502
OMB No: New
By: Office of the Secretary
Title: Survey of Industrial and Commercial Shippers
Forms: Questionnaire
Frequency: One time collection
Respondents: Businesses, commercial and industrial shippers
Need/Use: This survey is needed by DOT to respond to the Motor Carrier Act of 1980 (MCA) Congressional oversight hearings.

DOT No: 2503
OMB No: New
By: Federal Aviation Administration
Title: Interim Voice Response System (IVRS) Survey
Forms: Questionnaire
Frequency: One time survey
Respondents: Pilots who use the system
Need/Use: The information to be solicited via this survey will be used by the project manager to determine the suitability of the system for operational use and to gauge the degree of user acceptance. Additionally, results of the data gathered and subsequent analysis will be utilized for system design improvements.

DOT No: 2504
OMB No: 2133–0018
By: Maritime Administration
Title: Title XI, Obligation Guarantees
Forms: Form MA–163 and attachments
Frequency: On occasion and Semi-annually
Respondents: Applicants for ship financing obligations guarantees.
Need/Use: The application and its attachments will be used to evaluate proposals for the issuance of government guarantees of debt obligations for the purpose of financing or refinancing merchant vessels constructed or reconstructed in U.S. shipyards.

DOT No: 2505
OMB No: New
By: National Highway Traffic Safety Administration
Title: Driver survey of Low-Speeds, Bumper-Involved Collisions
Forms: None
Frequency: Initial, and one follow-up
Respondents: Individuals or households
Need/Use: A national survey of drivers regarding low-speed, unreported accidents involving the front or rear bumper systems of their cars. The purpose of the survey is to determine the frequency of car damage in unreported low-speed collisions and the extent of damage when it occurs.

DOT No: 2506
OMB No: 2115–0037
By: U.S. Coast Guard
Title: Importation of Noncomplying Recreational Boats and Products Subject to U.S. Custom Regulations and U.S. Coast Guard Regulations
Forms: CG–5096
Frequency: On occasion
Respondents: Importers of recreational boats and associated equipment
Need/Use: This information collection is needed by the U.S. Coast Guard and U.S. Customs to determine who is importing products which do not comply with federal safety standards. The information is used to contact the importer and assist them in bringing the boat or product into compliance with the standards.

DOT No: 2507
OMB No: 2133–0012
By: Maritime Administration
Title: Affidavit of U.S. Citizenship
Forms: Format prescribed
Frequency: Annual
Respondents: Applicants for financial assistance provided by MARAD
Need/Use: Financial aid recipients must by law, be and remain U.S. citizens during the contract period. The affidavit is to record details necessary to establish a recipient's citizenship.

DOT No: 2508
OMB No: 2137–0034
By: Research and Special Programs Administration
Title: Hazardous Materials Shipping Papers
Forms: None
Frequency: Each shipment
Respondents: All shippers of Hazardous Materials
Need/Use: Shippers, carriers and personnel in emergency units use the information contained on shipping papers to identify hazardous materials, and the quantity. The information is used to avoid incompatible commingling of materials; loading of forbidden materials; and to know proper handling and countermeasures while in transit or in emergency situations.

DOT No: 2509
OMB No: New
By: National Highway Traffic Safety Administration
Title: Trends in Public Knowledge and Attitudes Toward Laws Making Occupant Restraints Mandatory and Toward Automatic Protection Systems
Forms: None
Frequency: Semi-annually
Respondents: Individuals
Need/Use: It is proposed to conduct nationally representative surveys of up to eight States. Surveys are to cover 1,000 individuals over 17 years of age using telephone sampling techniques. Survey results will be used to track knowledge and attitudes toward laws requiring mandatory restraints or automatic protection systems. The surveys will be twice a year until results are conclusive.

DOT No: 2510
OMB No: New
By: National Highway Traffic Safety Administration
Title: Impact of School Bus Safety Belts on Students' Private Vehicle Belt Usage
Forms: None
Frequency: One time only
Respondents: Students and Parents
Need/Use: To determine the extent to which school bus safety belts are used and whether their presence on school buses leads students to use safety belts more when traveling in privately owned vehicles. Analysis will influence local decisions on investment in school bus safety belt programs.

DOT No: 2511
OMB No: 2120–0012
By: Federal Aviation Administration
Title: Parachute Lofts—FAR—149
Forms: None

Frequency: On occasion
Respondents: Applicants for parachute loft certification
Need/Use: The FA Act of 1958, section 607 (49 U.S.C. 1427), authorizes examination, rating and certificate issuances. 14 CFR Part 149 prescribes requirements for operation of parachute lofts. Information collected is used to determine compliance and applicant eligibility in order to ensure the safe operation of parachutes.

Issued in Washington, D.C. on October 26, 1984.

Jon H. Seymour,

Deputy Assistant Secretary for Administration.

[FR Doc. 84-28863 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 84-083]

Houston/Galveston Navigation Safety Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the eighth meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, November 29, 1984 at the offices of the West Gulf Maritime Association located at 2616 South Loop West, Suite 600, Houston, Texas. The meeting is scheduled to begin at 9:00 a.m. and end at 5:00 p.m. The agenda for the meeting consists of the following items:

1. Call to Order
2. Discussion of previous recommendations made by the Committee
3. Reports of Subcommittees
   A. Inshore Waterway Management
   B. Offshore Waterway Management
4. Discussion of Subcommittee Reports
5. Presentation of any additional new items for consideration to the Committee
6. Adjournment

The purpose of this Advisory Committee is to provide recommendations and guidance to the Commander, Eighth Coast Guard District on navigation safety matters affecting the Houston/Galveston area.

Attendance at all subcommittee and full committee meetings is open to the public. With advance notice, members of the public may present oral statements at the meeting. Prior to presentation of their oral statements, but no later than the day before the meeting, members of the public shall submit, in writing, to the Executive Secretary of the Houston/Galveston Navigation Safety Advisory Committee, the subject of their comments, a general outline signed by the presenter, and the estimated time required for presentation. The individual making the presentation shall also provide their name, address, and, if applicable, the organization they are representing. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander, R. A. BRUNELL, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, Telephone number (504) 589-6901.

Dated: October 23, 1984.

W.H. Stewart,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 84-28804 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Spencer County, KY

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 is being prepared for a proposed highway project in Spencer County, Kentucky.

FOR FURTHER INFORMATION CONTACT: Robert E. Johnson, Division Administrator, Federal Highway Administration, 330 West Broadway, P.O. Box 536, Frankfort, Kentucky 40602 or Donald L. Ecton, Director, Division of Planning, Kentucky Transportation Cabinet, 419 Ann Street, Frankfort, Kentucky 40622.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Kentucky Transportation Cabinet, is preparing an environmental impact statement for a highway project located in Spencer County, Kentucky. The proposed improvement involves the new construction of KY 44 from KY 55 in Taylorsville, eastward to connect with a new section of KY 44 presently under construction by the Corps of Engineers, a distance of approximately 3.6 miles. Improvements to the corridor are considered necessary to provide for future traffic demand generated by Taylorsville Lake and its recreational facilities.

Possible alternatives under consideration include the (1) do-nothing alternative, (2) alternative transportation modes, (3) project postponement, and (4) design alternatives within the corridor with various options.

This project has been under development for several years and pubic meetings and Interdisciplinary Team Meetings have been held. The project has been coordinated with various federal, state, and local agencies and officials and other private organizations and parties identified as being impacted by this project or having an interest in its development. No formal scoping meeting is planned. A combination corridor/design public hearing will be held.

It is estimated that the draft EIS will be ready for public review and comment in February, 1985.

Issued on: October 24, 1984.

Robert E. Johnson,

Division Administrator, Frankfort, Kentucky.

[FR Doc. 84-28871 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

[DOT-E 7235]

High Pressure Composite, Hoop Wrapped Cylinders 4500 PSIG Marked Service Pressure

On February 27, 1984, the Materials Transportation Bureau (MTB) published a notice (49 FR 7182) specifying a reduction in filling pressure from 4500 psi to 4000 psi for all cylinders manufactured under DOT-E 7235 and marked DOT-E 7235-4500. This action was taken following the catastrophic failure of one of these cylinders while it was being charged. On the basis of tests and engineering analysis, it was determined that the reduced cylinder stress resulting from the reduced filling pressure would substantially decrease the likelihood of a catastrophic failure and increase the likelihood that any failure would be in a "leak without fracture mode".

The manufacturer of these cylinders, Luxfer USA Limited (Luxfer), recently applied to MTB for authorization to install a steel ring to the outside diameter of the cylinder neck, and to permit the filling of the modified cylinders to 4500 psi. To demonstrate the effectiveness of the neck ring in preventing cylinder ruptures, Luxfer performed a series of hydrostatic and hydro-pneumatic burst tests on

preflawed cylinders with and without neckrings. Luxfer's test results on the preflawed cylinders show that all cylinders with neckrings failed by leakage only. A considerable number of cylinders without neckrings failed by rupturing.

In light of the above, MTB has amended exemption DOT–E 7235, with an effective date of October 24, 1984. This exemption authorizes filling to 4500 psi of each acceptable cylinder manufactured, marked, and sold under this exemption when marked with a 4500 psi service pressure (DOT–E 7235–4500) and equipped with a steel neckring. As modified, the exemption requires that the following actions be taken prior to filling any cylinder to 4500 psi:

1. Each cylinder must be visually inspected.

2. Each cylinder failing to pass the visual inspection must be removed from service and must be reported to Luxfer.

3. Cylinders that satisfactorily pass visual inspection may be fitted with a steel ring installed to the outside diameter of the cylinder neck.

4. Only steel rings supplied by Luxfer may be used.

5. Visual inspection and installation of the neck ring must be performed in accordance with Luxfer instructions and specifications contained in "Retrofit and Shop Procedures R2050" dated October 10, 1984.

6. The visual inspection, the machining of the outside diameter of the cylinder neck, and the installation of the steel neck ring must be performed by a facility that has been identified to MTB and is qualified to perform all operations prescribed in R2050, as determined by an independent inspection agency approved under 49 CFR 173.300a.

7. Each inspection and retrofit facility must be reinspected by the independent inspector at least once every 3 months.

For further information contact: Arthur J. Mallen, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. (202) 755–4906. Office hours are: 8:30 a.m. to 5:00 p.m., Monday through Friday.

Issued in Washington, D.C. on October 26, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84–28864 Filed 10–31–84; 8:45 am]

BILLING CODE 4910–60–M

[Docket No. IRA–32]

Cascade Fireworks, Inc.; Application for Inconsistency Ruling; Public Notice and Invitation To Comment

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Public Notice and Invitation to Comment.

SUMMARY: Cascade Fireworks, Inc., an Oregon Corporation (Cascade), has applied for an administrative ruling as to whether Oregon Revised Statute (ORS) 480.120 (1)(a) dated October, 1983, governing the shipment and transportation of fireworks within the State of Oregon is inconsistent with the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations (HMR) issued thereunder and, therefore, preempted under section 112(a) of the HMTA.

DATES: Comments received on or before December 14, 1984, will be considered before an administrative ruling is issued by the Associate Director for Hazardous Materials Regulation.

ADDRESSES: The application and any comment received may be reviewed in the Dockets Branch, Office of Information Services, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C. 20590. Comments on the application may be submitted to the Dockets Branch at the above address. Indicate Docket Number IRA–32 on your submission. Three copies are requested. A copy of each comment must also be sent to Mr. Joseph E. Penna, P.C., Attorney at Law, 207 West Main Street, Monmouth, Oregon 97361 and that fact certified to at the time the comment is submitted to the Dockets Branch. [The following format is suggested: "I hereby certify that copies of this comment have been sent to Mr. Joseph E. Penna at the address noted in the **Federal Register**."]

FOR FURTHER INFORMATION CONTACT: Kathy M. Sachen, Office of the Chief Counsel, Research and Special Programs Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone 202–755–4972.

SUPPLEMENTARY INFORMATION:

I. Background

The HMTA (49 U.S.C. 1801 *et seq.*) at section 112(a) [49 U.S.C. 1811(a)] expressly preempts "any requirement of a State or political subdivision thereof, which is inconsistent with any requirement," of the HMTA or the HMR issued thereunder. Section 112(b) [49 U.S.C. 1811(b)] provides that an inconsistent State or political subdivision requirement ceases to be preempted, however, if upon application the Secretary of Transportation determines that the requirement in question: (1) Provides an equal or greater level of protection to the public than the HMTA or the HMR; and (2) does not unreasonably burden commerce.

Procedural regulations implementing section 112 of the HMTA are codified at 49 CFR 107.201–107.225. These regulations provide for the issuance of inconsistency rulings and nonpreemption determinations. Briefly, an inconsistency ruling is an administrative opinion as to the relationship between a State or political subdivision requirement and a requirement of the HMTA or the HMR. Section 107.209(c) sets forth the following factors which are considered in determining whether a State or political subdivision requirement is inconsistent:

(1) Whether compliance with both the State or political subdivision requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

If the State or local requirement is found to be inconsistent with the HMTA or the HMR, the State or locality, upon the application of an appropriate State agency, may seek a nonpreemption determination, i.e., waiver of preemption. Pursuant to section 112(b) of the HMTA [49 U.S.C. 1811(b)], the Secretary may waive preemption upon a showing that such requirement "(1) affords an equal or greater level of protection to the public than is afforded by the requirements of [the HMTA] or of regulations issued under [the HMTA]; and does (2) not unreasonably burden commerce." However, since this proceeding is for an inconsistency ruling, comments relating to the criteria for waiver of preemption are premature and will not be considered.

2. The Application for Inconsistency Ruling

On June 21, 1984, Cascade Fireworks, Inc., an Oregon Corporation (Cascade) through counsel, filed an application for an administrative ruling seeking a determination whether Oregon Revised Statute (ORS) 480.120(1)(a) restricting the transportation and shipment of fireworks within the State of Oregon is inconsistent with the HMTA or the hazardous materials regulations issued

there under. ORS 480.120(1)(a) is reprinted as an Appendix to this document. In their application, Cascade claimed that because ORS 480.120(1)(a) is inconsistent with the HMR it is preempted by the HMTA. Cascade states that because this subsection of the statute restricts the shipment of fireworks to common carriers, an undue burden is imposed upon interstate commerce in violation of 18 U.S.C. 1811. Additionally, Cascade submits that since this statute restricts the shipment of fireworks to common carriers, it is inconsistent with Parts 174, 175, and 178, of the HMR, and 49 CFR 177.800 and 177.801.

As required by 49 CFR 107.205, a copy of the application request was sent to the State of Oregon advising them of the application and their right to submit comments on it within 45 days of their receipt of the notice. The response to the notice, prepared by Oregon's Department of Justice, General Counsel Division, disagreed with Cascade's assessment that the statute is inconsistent with the HMTA and the HMR. In his response, the Assistant Attorney General argued that, although the HMR permit the shipment of fireworks by rail, aircraft, vessel and private carrier, these are optional modes of transportation for fireworks not requirements under Title 49 CFR. Thus, Oregon's restriction to shipment of fireworks by common carrier is the option the State has chosen and this limited choice is not inconsistent with federal law because "Compliance with both the state (sic) and the Act is both possible and not an obstacle to the accomplishment of the purpose of the Act."

In addressing the issue of undue burden on interstate commerce, the State contends that the statute was issued pursuant to Oregon's police power to protect the health and safety of its citizens. Since Oregon prohibits the possession and sale of fireworks in the State, with some limited exceptions, the restriction to shipment by common carrier aids in attaining this prohibition. The State believes that this statute does not unfairly discriminate against interstate commerce but, rather, favors it at the expense of intrastate commerce since its purpose is to insure that the sale, transportation, and possession of fireworks are to customers outside the State of Oregon.

3. Public Comment

Comments should be restricted to the following issue: whether ORS 480.120(1)(a) is inconsistent with the HMTA or the HMR issued thereunder.

Although there is discussion of the statute's effect on intrestate commerce in both the application request and the comments by the State, the application is for an inconsistency ruling and not a nonpreemption determination. Comments on the effect on interstate commerce of Oregon's Statute, as the effect relates to a waiver of preemption under 49 U.S.C. 1811(b), are premature and will not be considered.

Persons intending to comment on the application should examine the HMTA (49 U.S.C. 1801–1812); the HMR (949 CFR Parts 171–179); the inconsistency rulings at 43 FR 16954, 44 FR 75566 (on appeal, 45 FR 71881), 46 FR 18918, (on appeal, 47 FR 18457), 47 FR 1231, 47 FR 51991, and 48 FR 760; the procedures governing the Department's consideration of applications for inconsistency rulings (49 CFR 107.201–107.211); and Oregon Revised Statute 480.120(1)(a) which is provided as Appendix A to this notice.

Appendix A—Excerpt of Oregon Revised Statute 480.120.

Passed by the Legislative Assembly of Oregon. October, 1983.

480.120 *Sale, possession and use of fireworks prohibited; exceptions; enforcement.* (1) No person shall sell, keep or offer for sale, expose for sale, possess, use, explode or have exploded any fireworks within Oregon, except as follows:

(a) Sales by manufacturers and wholesalers to customers residing outside this state and delivered for shipment by the seller directly to a common carrier authorized to operate in this state pursuant to ORS chapter 767;

* * * * *

Issued in Washington, DC. on October 26, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation.

[FR Doc. 84-28866 Filed 10-31-84 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 29-84]

Interest on Bonds of 2004

Washington, October 24, 1984.

The Secretary announced on October 23, 1984, that the interest rate on the bonds designated Bonds of 2004, described in Department Circular—Public Debt Series—No. 29-84, dated October 5, 1984, and amended October 11, 1984, will be 11⅝ percent. Interest on the bonds will be payable at the rate of 11⅝ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-28867 Filed 10-31-84; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular, Public Debt Series—No. 31-84]

Interest on Notes; Series P-1988

Washington, October 25, 1984.

The Secretary announced on October 24, 1984, that the interest rate on the foreign-targeted notes designated Series P-1988, described in Department Circular—Public Debt Series—No. 31-84 dated October 10, 1984, will be 11⅜ percent. Interest on the notes will be payable at the rate of 11⅜ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-28868 Filed 10-31-84; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular Public Debt Series—No. 30-84]

Interest on Notes; Series N-1988

Washington, October 25, 1984.

The Secretary announced on October 24, 1984, that the interest rate on the notes designated Series N-1988, described in Department Circular—Public Debt Series—No. 30-84 dated October 15, 1984, will be 11⅜ percent. Interest on the notes will be payable at the rate of 11⅜ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84-28869 Filed 10-31-84; 8:45 am]

BILLING CODE 4810-40-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 548]

Winegrape Varietal Names Advisory Committee; Report Availability

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

ACTION: Notice of report availability.

SUMMARY: The Winegrape Varietal Names Advisory Committee's report recommending agency action concerning winegrape varietal names is now available.

To Obtain a Copy of the Report: Single copies of the report are available without charge from the Chief, Industry Compliance Division, Bureau of Alcohol,

Tobacco and Firearms, Room 6205, 1200 Pennsylvania Avenue NW, Washington, DC 20226 (202–566–7581).

SUPPLEMENTARY INFORMATION: The Winegrape Varietal Names Advisory Committee was established to advise the Director, Bureau of Alcohol, Tobacco and Firearms, about grape varieties used in the production of American wines. The recently submitted report to the Director contains the Committee's recommendations concerning: (a) Appropriate names for grape varieties used in the production of American wines, and (b) guidelines for the future recognition and use of wine grape varietal names.

With the submission of this report, the Committee has achieved the objectives set out in its charter, and the Committee is therefore terminated.

It should be noted that the Committee's report is advisory only. The Director has not yet decided what action to take on the report recommendations. Adoption of any of the recommendations will, of course, follow established administrative procedures.

FOR FURTHER INFORMATION CONTACT: Melvin T. Bruce, Room 6213, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202–566–7568).

Signed: October 25, 1984.

W.T. Drake,

Acting Director.

[FR Doc. 84–28765 Filed 10–31–84; 8:45 am]

BILLING CODE 4810–31–M

Customs Service

[T.D. 84–217]

Recordation of Trade Name; "Villeroy & Boch Keramische Werke KG"

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of recordation.

SUMMARY: On August 3, 1984, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Villeroy & Boch Keramische Werke KG" was published in the **Federal Register** (49 FR 31189). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in opposition to the recordation and received not later than October 2, 1984. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "Villeroy & Boch Keramische Werke KG" is recorded as the trade name used by Villeroy & Boch Keramische Werke KG, a limited liability partnership organized under the laws of Germany located in D–6642 Mettlach, West Germany. The trade name is used in connection with the following merchandise manufactured in West Germany and France: housewares; tablewares and glassware; ceramic tiles; and ceramic sanitary installation.

DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5765).

Dated: October 26, 1984.

Steven Pinter,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 84–28835 Filed 10–31–84; 8:45 am]

BILLING CODE 4820–02–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 213
Thursday, November 1, 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).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, November 6, 1984.

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. 84-8-FOIA-150, concerning a request for copies of the Commission's Early Litigation Identification Issues List and the local litigation plans.
4. Freedom of Information Act Appeal No. 84-9-FOIA-185-CL, concerning a request for notes of the EOS file withheld in a closed Title VII charge file.
5. Freedom of Information Act Appeal No. 84-8-FOIA-180-CL, concerning a request for records in charge file.
6. Freedom of Information Act Appeal No. 84-09-067-FOIA-IN, concerning a request for documents in a Title VII file.
7. Freedom of Information Act Appeal No. 84-5-FOIA-96-CL, concerning a request for documents contained in a closed Title VII charge file.
8. Freedom of Information Act Appeal No. 84-8-FOIA-43-BI, concerning a request for records in a charge file.
9. Freedom of Information Act Appeal No. 84-8-FOIA-60-NO and 63 NO, concerning a request for the contents of open Title Charge files.
10. Proposal Regarding Certain Postal Services Cases
11. Commission Opinions on Employment Status of Nuns and Priests Under the ADEA
12. Compliance Manual Sec. 603, Identifying and Processing Charges Which Raise Issues Not Covered by a Commission Decision Precedent, of the EEOC Compliance Manual, Volume II, EEOC Order 915

CLOSED

1. Litigation Authorization: General Counsel Recommendations
2. Proposed Commission Decisions: ORA Decisions and Guidance Decisions
3. 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: Cynthia Matthews, Executive Officer, at (202) 634–6748.

This Notice Issued October 30, 1984.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 84-28932 Filed 10-30-84; 3:21 pm]

BILLING CODE 6750-06-M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, October 26, 1984, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No. and Subject

General—1—*Title:* Reallocation of television Channels 15 and 16 in the Gulf of Mexico to the Offshore Radio Service. *Summary:* The FCC will consider amendment of Parts 2, 22, 74 and 90 of its Rules to reallocate UHF television Channels 15 and 16 in the Gulf of Mexico to the Offshore Radio Service (ORS) and to allow the authorization of interstitial frequencies for ORS Use in the existing ORS allocation at television Channel 17.

General—2—*Title:* Report and Order concerning conversion to the new emission designators in Article 4 of the International Telecommunications Union Radio Regulations. *Summary:* The FCC will consider whether to adopt the Rules concerning the use of the new emission designators in Article 4 of the International Telecommunications Union Radio Regulations.

Common Carrier—1—*Title:* Fourth Report and Order in CC Docket No. 81–893, Detariffing embedded customer premises equipment owned by Western Union and the International Record Carriers. *Summary:* The Commission will consider a report and order which allows record carriers to detariff embedded customer premises equipment (CPE) in any manner consistent with the detariffing principles applied to AT&T's embedded CPE, and subject to further review by the Bureau.

Common Carrier—2—*Title:* Second Report and Order, General Docket No. 80–112. *Summary:* The Commission will consider adoption rules to allow the use of lotteries for the selection of Multichannel Multipoint Distribution Service Licensees.

Common Carrier—3—*Title:* Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands (CC Docket No. 83–1376). *Summary:* The Commission will consider the request of the state of Alaska and the Alaska Public Utilities Commission that the final step of rate integration be deferred and the supplemental payment to Alascom, Inc. be extended pending the resolution of the issues in this docket.

Mass Media—1—*Title:* Amendment of Section 73.37(b) of the Commission's Rules. *Summary:* A petition has been filed seeking reconsideration of the commission's action amending Section 73.37(b) regarding the definition of urbanized areas. The Memorandum Opinion and Order resolve the issues raised in the petition for reconsideration.

Mass Media—2—*Title:* Amendment of Subpart B, Part 73 of the Commission's Rules to make technical changes in the FM rules. *Summary:* The Commission will consider whether to amend those rules pertaining to FM broadcast station blanketing interference.

Mass Media—3—*Title:* Changes in the rules relating to noncommercial, educational FM stations. *Subject:* The Commission will consider new assignment standards for that portion of the FM band (88–92 MHz, Channels 201–220) reserved for use by noncommercial, educational FM stations.

Mass Media—4—*Title:* Modified Frequency Offset Criteria and Monitoring Requirements to prevent cable television signal leakage interference to aeronautical communications systems. *Summary:* The Commission will consider amending its rules to prevent cable television signal interference to aeronautical communication and navigation radio systems.

Mass Media—5—*Title:* In the matter of Amendment of Part 74 of the Commission's Rules pertaining to frequency assignment procedures in the Broadcast Remote Pickup Service to facilitate more efficient use of

the available spectrum. *Summary:* The Commission will consider rule changes to: (1) authorize 5 kHz segments which could be combined to form suitable channel bandwidths for different technologies; (2) revise authorized emission standards; (3) continue informal BRPS frequency coordination; (4) allow narrowband VHF repeaters; (5) remove usage restrictions on certain channels; and (6) eliminate requirements for guard receivers for BRPS repeaters.

Mass Media—6—*Title:* Amendment of the regulations relative to the obligations of cable television systems to maintain public inspection files and retain subscriber records. *Summary:* The Commission will consider simplifying or eliminating most of the provisions of Section 76.305, as well as section 76.306, of the Commission's Rules.

Mass Media—7—*Title:* Complaint of Syracuse Peace Council against television station WTVH, Syracuse, New York. *Summary:* The Commission will consider whether to find the licensee in violation of the Fairness Doctrine.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Public Affairs Office, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

Note.—Late publication of this item is due to late receipt by the FCC Representative and the Office of the Federal Register.

[FR Doc. 84-28920 Filed 10-31-84; 2:45 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From October 26th Closed Meeting.

The following item has been deleted at the request of the Office of General Counsel from the list of agenda item scheduled for consideration at the October 26, 1984 Closed Meeting and previously listed in the Commission's Notice of October 19, 1984.

Agenda, Item No., and Subject

Hearing—1—Applications for Review in the United Boardcasting Company, Inc., Washington, D.C. FM radio comparative renewal proceeding (BC Docket Nos. 479 to 80-481).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-28720 Filed 10-30-84; 2:49 pm]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, November 5, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desists proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for reconsideration of a previous denial of an application for consent to merge and establish two branches:

The State Exchange Bank, Culver, Indiana, an insured State nonmember bank, for consent to merge, under its charter and with the title "NorCen Bank," with Farmers State Bank, LaPaz, Indiana, and to establish the two offices of Farmers State Bank as branches of the resultant bank.

Application for consent to purchase a 100-percent ownership in another financial entity:

Capital Bank, North Bay Village, Florida, for consent to acquire 100 percent of the stock of Capital Credit Limited, a corporation to be organized in Hong Kong.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 29, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-28897 Filed 10-30-84; 12:09 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 5, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to purchase assets and assume liabilities:

The First National Bank of Groton, Groton, New York, for consent to purchase certain assets of and assume the liability to pay deposits made in the Groton Branch of Empire of America, F.S.A., Buffalo, New York, a non-FDIC-insured institution.

Application for consent to purchase assets and assume liabilities and relocate the main office:

Plumas Bank, Quincy, California, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Quincy Branch of Wells Fargo Bank, National Association, San Francisco, California, and for consent to relocate its main office from 80 West Main Street to 336 West Main Street within Quincy, California.

Application for consent to relocate the main office:

Sunshine State Bank, South Miami, Florida, for consent to relocate its main office from 6200 Sunset Drive to 5975 Sunset Drive within South Miami, Florida.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,128-SR, Carroll County Bank, Huntingdon, Tennessee.

Case No. 46,129–L, The First National Bank of Midland, Midland, Texas.
Case No. 46,130–L, The First National Bank of Midland, Midland, Texas.
Memorandum and Resolution re: First National Bank, Snyder, Texas, Seminole State National Bank, Seminole, Texas, Security National Bank of Lubbock, Lubbock, Texas.
Memorandum and resolution re: Final amendments to Parts 303 and 308 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," and "Rules of Practice and Procedures," respectively, which (1) permit establishment of additional remote service facilities and relocation of existing remote service facilities after notice to the appropriate FDIC regional director, provided that the regional director does not object to the proposal; (2) expand the Director of the Division of Bank Supervision's and regional directors' delegated authority to act on additional remote service facilities applications and remote service facilities relocation applications; (3) specify the content of petitions for reconsideration; (4) specify who within the FDIC will reconsider denied applications, petitions, or requests; (5) shorten the time period during which comments on merger applications may be filed from 45 days to 30 days; (6) clarify procedures for section 19 reconsiderations; and (7) shorten the maximum waiting time for a hearing on a section 19 denial from 60 to 30 days.
Reports of committees and officers:
Minutes of actions approved by the standing committeees of the Corporation pursuant to authority delegated by the Board of Directors.
Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Reports of the Director, Office of Corporate Audits and Internal Investigations:
Summary Audit Report re: The Deschutes Bank, Redmond, Oregon, AP–364 (Memo dated October 18, 1984).
Summary Audit Report re: City and County Bank of Jefferson County, White Pine, Tennessee, AP–370 (Memo dated October 18, 1984).
Summary Audit Report re: Metro Bank, Midland, Texas, AP–356 (Memo dated October 18, 1984).
Summary Audit Report re: Audit of Headquarters Renovation Costs (Memo dated October 16, 1984).
Discussion Agenda: No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 29, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–28898 Filed 10–30–84; 12:09 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 29, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Society Bank of the Firelands, Vermilion, Ohio, an insured State member bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Sandusky Branch of The Broadview Savings and Loan Association, Cleveland, Ohio, a non-FDIC-insured institution.
Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver liquidator, or liquidating agent of those assets:
Case No. 46,097–L (Amended), City and County Bank of Knox County, Knoxville, Tennessee; City and County Bank of Anderson County, Lake City, Tennessee; First Peoples Bank of Washington County, Johnson City, Tennessee; United American Bank in Hamiltion County, Chattanooga, Tennessee.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: October 29, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–28917 Filed 10–30–84; 2:49 pm]

BILLING CODE 6714–01–M

7

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER No. 84–28309.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, November 1, 1984, 10:00 a.m.

CHANGE IN MEETING: The Open Meeting scheduled for this date has been cancelled.

* * * * *

DATE AND TIME: Tuesday, November 6, 1984, 10:00 am

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation, Audits, Personnel.

* * * * *

DATE AND TIME: Thursday, November 8, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligiblity for candidates to receive Presidential primary matching funds
Draft Advisory Opinion No. 1984–52, Marty Russo, Member of Congress
Draft Advisory Opinion No. 1984–53, Randall B. Moorhead, on behalf of the Realtors Political Action Committee
Draft Advisory Opinion No. 1984–54, William C. McNeal, Friends of Bob Livingston
Draft Advisory Opinion No. 1984–55, Warren L. Blackmon, AmeriFirst Good Government Committee of AmeriFirst Federal Savings & Loan Association
Petition for rulemaking filed by the National Council of Farmer Cooperatives—11 CFR § 114.1(e)
Finance Committee Report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission

[FR Doc. 84–28875 Filed 10–30–84; 10:28 am]

BILLING CODE 6715–01–M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—November 8, 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: Portion open to the public:

1. Docket No. 84–26: Rules Governing Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984—Consideration of comments and proposed final rule.

2. Docket No. 84–32: Amendments to Rule Governing Agreements by Ocean Common Carriers and Other Persons Subject to Shipping Act of 1984—Consideration of comments and proposed final rule.

Portions Closed to the public:

1. Agreement No. 202–010656: Establishment of North Europe-U.S. Gulf Freight Association.
2. Docket No. 84—7: A & A International, A Division of Tandy Corporation v. Kawasaki Kisen Kaisha, Ltd.—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–4725.

Francis C. Hurney,

Secretary.

[FR Doc. 84–28947 Filed 10–30–84; 3:59 pm]

BILLING CODE 6730–01–M

9

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: Thursday November 1, 1984—2:00 p.m.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately three cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble,* Chief Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

Dated October 30, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–28916 Filed 10–30–84; 2:49 pm]

BILLING CODE 4410–01–M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [49 FR 42853 10/24/84]

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, October 19, 1984.

CHANGE IN THE MEETING: Additional item.

The following item was considered at a closed meeting held on Tuesday, October 23, 1984, at 10:00 a.m.

Trading suspension.

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Powers at (202) 272–2091.

Shirley E. Hollis,

Acting Secretary.

October 30, 1984.

[FR Doc. 84–28946 Filed 10–30–84; 3:58 pm]

BILLING CODE 8010–01–M

Federal Register

Thursday
November 1, 1984

Part II

Department of Justice

Bureau of Prisons

28 CFR Part 511

Control, Custody, Care, Treatment, and Instruction of Inmates; Final Rule

28 CFR Part 545

Control, Custody, Care, Treatment, and Instruction of Inmates; Proposed Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 511

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is publishing its final rule on searching/detaining of non-inmates; arresting authority; and use of metal detectors. The rule is intended to prevent the introduction of contraband (such as narcotics and weapons) into Bureau of Prisons institutions. The rule also discusses the authority of Bureau employees to detain visitors and to make an arrest without a warrant.

EFFECTIVE DATE: December 1, 1984.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing its final rule on searching/detaining of non-inmates; arresting authority; and use of metal detectors. A proposed rule on this subject was published in the **Federal Register** January 3, 1984 (at 49 FR 195 et seq.). Interested persons were invited to submit comments on the proposed rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

This rule is finalized in an effort to help ensure institution security and good order. The rule is intended to prevent the introduction of contraband (such as narcotics and weapons) into Bureau institutions. The rule authorizes staff to subject all persons entering a Bureau of Prisons institution, or during their presence in an institution, to a search of their persons and effects. Procedures used in conducting this search may include the use of metal detectors, pat searches, visual searches, and breathalyzer and urine surveillance tests. A visitor who objects to any of the search or test or entrance procedures has the option of refusing and leaving the institution property, unless there is reason to detain and/or arrest. The rule also states Bureau policy with respect to detaining and/or arresting a non-inmate.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes

1. Section 511.10—The recently passed Comprehensive Crime Control Act of 1984 revised the language of 18 U.S.C. 1791 and 1792. Based on this revision, § 511.10(a) is rewritten to read that Bureau staff may subject all persons entering an institution, or during their presence in an institution, to a search of their persons and effects. While the language of this paragraph has been rewritten, its purpose continues to be preventing the introduction of contraband into an institution, since such introduction is presumably for the purpose of providing contraband to an inmate. Section 511.10(b) inserts the new titles of 18 U.S.C. 1791 and 1792. Section 511.10(b) also adds language requiring the existence of "probable cause" for staff to make an arrest without warrant. Probable cause is a higher standard than the proposed rule's requirement of "reasonable suspicion". Probable cause must also exist for staff to detain an individual (see § 511.15).

2. Section 511.11—Section 511.11 is retitled "Definitions". The proposed rule's definition of reasonable suspicion is clarified and becomes final § 511.11(a). As revised, reasonable suspicion exists if the facts and circumstances known to the Warden warrant rational inferences by a person with correctional experience that a person is engaged, or attempting or about to engage, in criminal or other prohibited behavior. Probable cause is defined in new § 511.11(b). Probable cause exists when the facts and circumstances known to the Warden would warrant a person of reasonable caution (not necessarily a law enforcement officer) to believe an offense has been committed. Internal staff instructions are generally responsive to a comment that the rule does not define "reliability", nor require the confidential information to be provided by a credible source. The Bureau's internal staff instructions state reliability may be determined by a record of past reliability or by other factors which reasonably convince the decision-maker of the individual's reliability. To the extent practicable, staff are to verify the information received. We do not agree with a comment that the requirements for reliability and verification of confidential source information as applied to the search of a visitor must be no less than that applied to an inmate facing an institution disciplinary hearing and possible placement in special housing. The situations are considerably different. In the disciplinary context, an inmate is charged with committing a prohibited act. If found to have committed this act, the inmate is subject to having sanctions imposed by a disciplinary committee, including placement in a special housing status. The institution visitor is not confronted with either situation. In fact, the visitor ordinarily has the option to refuse the search procedure and to leave the institution property, an avoidance opportunity not afforded the inmate. In addition, the nature of a correctional institution allows staff more readily to obtain "independently verified" corroboration of information provided by a confidential source concerning an occurrence, or "planned" occurrence, within the institution. Information received about a visitor often does not present the same opportunity.

3. Section 611.12—Because paragraph (a) contains specific examples of contraband (modified to read weapons, intoxicants, and drugs), the final rule inserts the term "other contraband" for "contraband". Section 511.12(d) inserts the phrase "in a pre-trial or jail (detention) unit within any Security Level institution". This addition recognizes that inmates in these units (pre-trial inmates) represent a cross-section of different security levels, like inmates in an administrative institution. Section 511.12(e) adds language referencing § 511.14, specifically a statement that the visitor may refuse to take the test, but the visit will not be allowed. The first paragraph of § 511.12(f) is deleted, with Bureau of Prisons staff ordinarily conducting the search or test. This intent is now contained in a rewriting of proposed § 511.12(f) (1) and (2), now new § 511.12(f). The Bureau's revision of § 511.12(f) is responsive to a comment that the Federal Bureau of Investigation not be requested to conduct the search of visitors.

A commenter, referring to Standard 6.13 of the Department of Justice's *Federal Standards for Prisons and Jails*, states that searches of visitors, even more so than prisoners, must be conducted to "avoid unnecessary force and strive to preserve . . . dignity and

integrity . . . and . . . property' ". Although Standard 6.13 is directed to the searches of facilities and inmates, not visitors, the Bureau's rule on searches of visitors is consistent with the standard. Bureau policy requires the search of a visitor to be done by a person of the same sex as the visitor, with the search conducted out of the view of other visitors and inmates. Internal instructions clearly state that staff may not use force to require a visitor to submit to any of the search or test or entrance procedures. We also believe the rule clearly supports a comment that, whenever feasible, non-intrusive sensors and other techniques be used instead of body searches. A pat search may be done only where there is reasonable suspicion; further, a visual search may not be done in lower security level institutions, and may be done in other Bureau institutions (or pre-trial or jail units) only upon a finding of reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution.

A commenter to § 511.12(e) suggested that forbidding visitors under the influence of a narcotic drug or intoxicant, or detaining them for possible arrest pursuant to § 511.15 would raise "grave constitutional questions". The commenter states that under the Eighth Amendment, the government cannot punish mere status. The Bureau's rule is not intended to punish "mere status". The rule is intended to relate to a legitimate governmental interest, institution security and good order, which may be threatened by allowing into the institution a person who is intoxicated or under the influence of a drug. For example, the person could become disruptive or have a reaction (e.g., withdrawal) to the intoxicant or narcotic while visiting. Either situation can adversely affect institution operations. A person who is observed by staff to be under the influence of narcotic, drug, or intoxicant, but who makes no apparent effort to bring such items into the institution would ordinarily not be detained. Staff, however, may advise appropriate law enforcement officials of this situation.

We do not agree with a comment that the use of breathalyzer or urine surveillance or other comparable tests on visitors, even with reasonable suspicion, raises serious constitutional privacy questions. Such tests as a precondition to visiting are reasonable under the Fourth Amendment. The tests are only moderately intrusive, and are considered reasonable when balanced against the government's interest in keeping persons under the influence of narcotics or intoxicants out of the institution, as well as recognizing the visitor's option to refuse the test, and leave the institution. For these reasons, we do not agree with the commenter who states that a urine surveillance or similar test requires a greater showing of necessity than reasonable suspicion.

A commenter states the use of urine surveillance and breathalyzer tests raises evidentiary problems. Such tests, however, without more, are administered not to effect an arrest, but rather, to serve as a screening device. In addition, a visitor is not requested to take such a test unless a reasonable suspicion exists that the visitor is under the influence of a narcotic, drug, or intoxicant. Even where this suspicion exists, the visitor ordinarily retains the right to refuse testing and to leave the institution property.

4. Section 511.13—Section 511.13(c) is clarified to read "person and/or effects."

5. Section 511.15—Section 511.15(a) specifies probable cause as the applicable standard for detaining an individual. The intent of this paragraph is further clarified to apply to "any person", and to add intoxicants and lethal or poisonous chemicals or gases as other examples of contraband. The phrase, "such as possession of escape paraphernalia" is now included as an example of an action which assist an escape, and the more specific phrase "induce riots" is substituted for "encourage riots".

6. Section 511.16—Based on the discussion earlier in this preamble, the final rule inserts the higher standard "probable cause". The rule also adds language recognizing the Bureau's authority to arrest "under any future arrest authorization statute that may be approved by the Congress of the United States".

A commenter suggests the Bureau rule specify that the search provisions do not apply to Bureau of Prisons employees, believing such practices, if permitted, would raise serious constitutional questions. The Bureau does not agree. Publication of the rule places visitors to the institution on notice. Bureau employees are, and have been, subject to search. Specifically, each Bureau of Prisons employee, upon joining the Bureau, receives a copy of the Bureau's Standards of Employee Conduct and Responsibility, and learns of the search policy in the Bureau's training program. The current policy (issued November 1981) provides notice that the employee is subject to a search of person or property on a "reason to suspect" basis. In addition, the Bureau's proposed procedures on searching/detaining of non-inmates, as well as a discussion of the procedures for searching employees, were internally routed for review, with copies sent to various areas, including the exclusive representatives of bargaining unit employees of the Federal Bureau of Prisons.

List of Subjects in 28 CFR Part 511

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR Chapter V is amended by adding a new Part 511 to Subchapter A.

Dated: October 26, 1984.

Norman A. Carlson,

Director, Bureau of Prisons.

Amend Subchapter A of 28 CFR, Chapter V as follows: In Subchapter A, add a new Part 511 to read as follows:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 511—GENERAL MANAGEMENT POLICY

Subpart A—[Reserved]

Subpart B—Searching/Detaining of Non-Inmates; Arresting Authority; Use of Metal Detectors

Sec.

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 752, 1791, 1792, 3050, 4001, 4012, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99, 6.1.

Subpart A—[Reserved]

Subpart B—Searching/Detaining of Non-Inmates; Arresting Authority; Use of Metal Detectors

§ 511.10 Purpose and scope.

(a) In an effort to prevent the introduction of contraband (such as narcotics and weapons) into its institutions, Bureau of Prisons staff may subject all persons entering an institution, or during their presence in an institution, to a search of their persons and effects.

(b) Title 18, United States Code, section 3050 authorizes Bureau of Prisons employees (does not include United States Public Health Services employees) to make an arrest without warrant for any violation of the provisions of section 751—Prisoners in Custody of Institution or Officer; section 752—Instigating or Assisting Escape; section 1791—Providing or Possessing Contraband in Prison; and section 1792—Mutiny and Riot Prohibited. Such an arrest may be made when staff has probable cause to believe that a person has committed one of these offenses and when there is likelihood of the person fleeing or escaping before a warrant can be obtained.

§ 511.11 Definitions.

(a) Reasonable suspicion. As used in this rule, "reasonable suspicion" exists if the facts and circumstances that are known to the Warden warrant rational inferences by a person with correctional experience that a person is engaged, or attempting or about to engage, in criminal or other prohibited behavior. A reasonable suspicion may be based on reliable, although confidential information; on a positive reading of a metal detector; or when contraband or an indicia of contraband is found during search of a visitor's personal effects.

(b) Probable cause—As used in this rule, "probable cause" exists if the facts and circumstances that are known to the Warden would warrant a person of reasonable caution to believe that an offense has been committed. "Mere suspicion" is not a sufficient standard under which an arrest may be made.

§ 511.12 Procedures for searching visitors.

(a) The Warden shall post a notice outside the institution's secure perimeter advising all persons that it is a Federal crime to bring upon the institution grounds any weapons, intoxicants, drugs, or other contraband, and that all persons, property (including vehicles), and packages are subject to search.

(b) The Warden may require visitors entering the institution from outside the secure perimeter to submit to a search:

(1) By electronic means (for example, walk-through and/or hand-held metal detector).

(2) Of personal effects. The institution ordinarily provides locker space for personal effects not taken into the visiting room.

(c) The Warden may authorize a pat search of a visitor as a prerequisite to a visit when there is reasonable suspicion that the visitor possesses contraband, or is introducing or attempting to introduce contraband into the institution.

(d) The Warden may authorize a visual search (visual inspection of all body surfaces and cavities) of a visitor as a prerequisite to a visit to an inmate in a Security Level IV, V, VI, or administrative institution, or in a pre-trial or jail (detention) unit within any Security Level institution when there is reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution.

(e) The Warden may authorize a breathalyzer or urine surveillance test or other comparable test of a visitor as a prerequisite to a visit to an inmate when there is reasonable suspicion that the visitor is under the influence of a narcotic, drug, or intoxicant. As stated in section 511.14, the visitor may refuse to take the test, but the visit will not be allowed.

(f) A pat search, visual search, or urine surveillance test is to be conducted by a person of the same sex as the visitor. A pat search, visual search, urine surveillance, or breathalyzer test shall be conducted out of the view of other visitors and inmates.

§ 511.13 Controlled visiting—denying visits.

(a) The Warden may restrict visiting to controlled situations or to more closely supervised visits when there is any suspicion that the visitor is introducing or attempting to introduce contraband, or when there has been a prior incident of such introduction or attempted introduction, or when there is any concern, based upon sound correctional judgment, about the visitor presenting a risk to the orderly running of the visiting room or area.

(b) The Warden may deny visiting privileges when a controlled or closely supervised visit is not possible.

(c) Staff shall deny admission to the institution to a visitor who refuses to be screened by a metal detector or who refuses to undergo a search of person and/or effects as dictated by these rules.

§ 511.14 Right of refusal/termination of a visit.

(a) A visitor who objects to any of the search or test or entrance procedures has the option of refusing and leaving the institution property, unless there is reason to detain and/or arrest.

(b) Staff may terminate a visit upon determining that a visitor is in possession of, or is passing or attempting to pass contraband not previously detected during the search process, or is engaged in any conduct or behavior which poses a threat to the orderly or secure running of the institution, or to the safety of any person in the institution. The staff member terminating the visit is to prepare written documentation describing the basis for this action.

§ 511.15 Detaining visitors.

(a) Staff may detain a visitor or any person who is found to be introducing or attempting to introduce such contraband as narcotics, intoxicants, lethal or poisonous chemicals or gases, guns, knives, or other weapons, or who is engaged in any other conduct which is a violation of law (including, but not limited to, actions which assist escape, such as possession of escape paraphernalia, or which induce riots), pending notification and arrival of appropriate law enforcement officials. The standard for such detention is a finding, based on probable cause, that the person has engaged in such a violation. Institution staff should not interrogate suspects unless immediate questioning is necessary to protect the security of the institution or the life or safety of any person.

(b) Staff shall employ only the minimum amount of force necessary to detain the individual. Visitors will be detained in an area away from the sight of, and where there can be no contact with, other visitors and inmates.

§ 511.16 Use of arrest authority.

To effect an arrest under any of the cited sections in § 511.10(b), or under any future arrest authorization statute that may be approved by the Congress of the United States, staff shall have probable cause that the suspected individual is violating the law. Whenever possible, the Warden or designee shall make the determination as to whether an arrest should occur.

[FR Doc. 84-28823 Filed 10-31-84; 8:45 am]
BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 545

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed Rule.

SUMMARY: The Bureau of Prisons is publishing a proposed amendment to its final rule on Inmate Work and Performance Pay. The rule is amended to expand the section on vacation credits, which are credits earned by an inmate for acceptable work performance. These credits may then be used by the inmate to request an excused absence, with pay, from the inmate's work assignment.

DATE: Comments must be received on or before January 14, 1985.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** a proposed amendment to the inmate vacations section of its rule on inmate work and performance pay. A final rule on inmate work and performance pay was published in the **Federal Register** October 1, 1984 (at 49 FR 38914 et seq.). Section 545.28 of that rule allows an inmate to earn vacation credits, which the inmate may later use to request an excused absence, with pay, from the work assignment. The Bureau's basic policy on inmate vacations was published in the previously cited October 1, 1984 **Federal Register**. In the preamble to that rule, the Bureau stated it was continuing to assess the area of inmate vacations and anticipated republishing a proposed rule on that subject. The present publication fulfills that purpose.

While the proposed amendment does not remove the October 1, 1984 provisions, it adds several provisions. A new § 545.28(b) states that for an inmate to be eligible for the five-day paid vacation, the inmate, during the specified 12-month period, may not have been found by the Institution Discipline Committee to have committed a prohibited act which resulted in the inmate's placement in disciplinary segregation. This requirement recognizes that placement in disciplinary segregation constitutes a break in the consecutive 12 months requirement of § 545.28(a). Absence from the work assignment for such reasons as illness or absence from the institution on either writ or furlough may count toward the 12-month requirement, at the discretion of the Department Head. Based on new § 545.28(b), existing § 545.28(b) becomes proposed § 545.28(c).

A new § 545.28(d) requires an inmate to use vacation credits within 12 months of receipt. New § 545.28(e) requires an inmate reassigned from an institution to a UNICOR work assignment to use vacation credits prior to reassignment. The Warden may make an exception to either paragraphs (d) or (e) for good cause, for example, where the reassignment is for the benefit of the institution. These provisions are intended to provide an inmate with an adequate opportunity to use vacation credits, while minimizing administrative recordkeeping requirements. Because of limited funds, new § 545.28(f) states an inmate may not receive pay for unused vacation credits. Because an inmate could be injured while on the work assignment, new § 545.28(g) provides for an inmate to continue earning vacation credits while confined to the hospital or quarters because of a compensable work-related injury. Based on these new sections, final § 545.28(c) becomes new § 545.28(h). The extraneous phrase "government or" is deleted from § 545.28(h)(2).

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received during the comment period will be considered before final action is taken. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

List of Subjects in 28 CFR Part 545

Prisoners.

In consideration of the foregoing, it is proposed to amend Subchapter C of 28 CFR, Chapter V as follows: In Subchapter C, Part 545, amend Subpart C to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 545—WORK AND COMPENSATION

Subpart C—Inmate Work and Performance Pay Program

A. The authority citation for Part 545, Subpart C reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

B. In Part 545, Subpart C, revise § 545.28 to read as follows:

§ 545.28 Inmate vacations.

(a) An inmate who has worked full-time for 12 consecutive months on an institution work assignment is eligible to take a five-day paid vacation at the inmate's prevailing hourly rate. A recommendation for an inmate to receive vacation credit is made by the inmate's work supervisor, through the Department Head, to the Unit Team, who shall approve the request if the inmate's work performance qualifies for vacation credit.

(b) To be eligible for the five-day paid vacation, an inmate, during the specified 12-month period, may not have been found by the Institution Discipline Committee to have committed a prohibited act which resulted in the inmate's placement in disciplinary segregation. Absence from the work assignment for such reasons as an illness, or absence from the institution on writ (for up to 30 days) or on furlough may, at the discretion of the Department Head, count toward the consecutive 12-month requirement.

(c) Staff shall schedule an inmate's vacation so it is compatible with shop production and administrative support requirements.

(d) An inmate ordinarily must use earned vacation credits within twelve (12) months of receipt. The Warden may make an exception if the inmate has been unable to use the earned vacation credits within the 12-month period.

(e) An inmate reassigned from an institution to UNICOR work assignment ordinarily must use earned vacation credits prior to reassignment. The Warden may make an exception to this requirement for good cause, for example, where the inmate is placed in

a new work assignment for the benefit of the institution.

(f) An inmate may not be paid for unused vacation credits.

(g) An inmate earns vacation credit while confined to the hospital or quarters because of a compensable work-related injury.

(h) The Warden or designee may authorize an inmate to accumulate vacation credit when:

(1) The inmate is transferred to another instituton for the benefit of the government or because of the inmate's favorable adjustment (custody reduction); or

(2) The inmate is placed in a new work assignment in the institution for the benefit of the institution, rather than solely at the inmate's request or because of the inmate's poor performance or adverse behavior.

Dated: October 26, 1984.

Norman A. Carlson,

Director.

[FR Doc. 84-28822 Filed 10-31-84; 8:45 am]

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federal register

Thursday
November 1, 1984

Part III

Small Business Administration

13 CFR Part 107

Small Business Investment Companies; Limitations on Portfolio Investments; Proposed Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Limitations on Portfolio Investments

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 107.101(c) of the SBA Regulations generally limits a Licensee's investments in permitted real estate concerns (Small Concerns classifiable under Industry Numbers 6531, 6541 and 6552 of the Standard Industrial Classification (SIC) Manual published by the Office of Management and Budget) or in Small Concerns engaged in motion picture production or distribution (SIC Manual Industry Numbers 7813, 7814, 7823, and 7824) to no more than one-third of its Portfolio as of the close of any full fiscal year, unless specifically authorized in writing by SBA. A Licensee is also generally forbidden to maintain an aggregate of more than two-thirds of its Portfolio in Small Concerns classifiable under SIC Manual Major Groups 15 (General Contractors and Operative Builders), 65 (Real Estate) and 70 (Hotels & Lodging Places)

Except for the restrictions stated above, no regulation prevents a Licensee from maintaining 100 percent of its portfolio in a single industry.

The proposed regulation would amend the current rules in the following respects: First, it would require each Licensee to limit to one-third of its portfolio, or less, its investments (valued at cost) in concerns classifiable in any single Major Group. Second, it would preclude a Licensee from investing more than one-half of its portfolio in any combination of concerns classifiable under Major Groups 15, 65, or 70.

The proposed regulation would not apply to any Licensee presently operating as an approved real-estate specialist, or to any Licensee that has been licensed on the basis of representations that it intended to specialize in any particular industry group, or that has thereafter received written approval from SBA to do so..

DATE: Comments must be received on or before December 3, 1984.

ADDRESS: Written comments, in duplicate, are to be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Robert G. Lineberry, Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653–6848.

SUPPLEMENTARY INFORMATION: SBA is proposing to limit the amount that any single Licensee may invest in any one Major Group to one-third of its Portfolio as of the close of its fiscal year, unless such Licensee has received SBA written approval to do otherwise, either at the time of licensing or thereafter.

This rule is justified by SBA's observation that the majority of Licensees who have experienced financial difficulties are those that have concentrated their investments in a single Major Group, and accordingly, SBA has determined that the financial stability of the SBIC industry will be promoted by diversification of SBIC portfolios. Having considered the interests of investors in those Licensees that represented to SBA an intention to specialize in a particular Major Group, and that have received SBA's written approval for a specialized investment policy. SBA has further determined that the objectives of the proposed regulation would not be frustrated if such companies were not covered by the rule. Licensees that have not been authorized to specialize in a particular industry would be allowed a three-year period to bring their investment portfolios into compliance with the proposed regulation.

In addition, SBA is proposing to reduce from two-thirds of their portfolio to one-half the aggregate amount of investment permitted in the related industry categories of 15, 65, and 70, by Licensees who do not have written approval to specialize.

References to "Major Group 65" are intended to apply only to those specific industries classifiable under Major Group 65 that are enumerated in paragraphs (i), (ii), and (iii) of § 107.901(c). There is no intention to amend § 107.901(c), which forbids the Financing of most concerns classifiable under Major Group 65.

Compliance With Executive Order 12291 and the Regulatory Flexibility Act

For the purposes of Executive Order 12291, effective February 17, 1981. SBA hereby certifies that this Rule is not a "Major Rule" as defined by Section 1(b) of the Executive Order. This rule will not have an annual effect on the economy of $100 million or more; nor will it result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or significant adverse effects on competition, employment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

SBA further certifies, pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant impact upon a substantial number of small entities. The proposed rule will affect only a minority of Licensees. Affected Licensees will be given a three-year period to bring themselves into compliance, so it is not anticipated that any Licensee would be obliged to divest itself of portfolio securities. While it is possible that members of a particular industry that, in the past, had been accustomed to seek financing from specialized Licensees would find their access to those financing sources restricted, the restriction would be offset by increased access to other Licensees under compulsion to diversify their investment portfolios.

Compliance With the Paperwork Reduction Act

Because the paperwork requirements of this rule are of an appeal nature, they are not subject to the requirements of the Paperwork Reduction Act (5 U.S.C. 3501 et seq.).

Lists of Subjects in 13 CFR Part 107

Investment companies, Loan programs/business, Small Business Administration, Small businesses

PART 107—[AMENDED]

Accordingly, Part 107, pursuant to section 308(c) of the Small Business Investment Act, 15 U.S.C. 687, Chapter I of Title 13, Code of Federal Regulations is hereby proposed to be amended by revising § 107.101(c) to read as follows:

§ 107.101 [Amended]

* * * * *

(c) *Diversified investment policy.* (1) Unless specifically authorized in writing by SBA, no Licensee shall maintain more than one-third of its Portfolio (valued at cost), as of the close of any full fiscal year, in any Small Concern or Concerns classified under any single Major Group of the SIC Manual: *Provided, however,* That where a Licensee does not operate as an approved real estate specialist, its investments in Small Concerns classified under Major Groups 15, 65 and/or 70 of the SIC Manual shall not

exceed one-half for any combination of such Major Groups, as of the close of any full fiscal year; *and provided, further,* That where a Licensee maintains more than one-third of its Portfolio in Real Estate Investments (SIC Major Group 65) pursuant to an investment policy approved by SBA, the total of its investments in Small Concerns classified under Major Group 15 (Building Construction-General Contractors and Operative Builders) and Major Group 70 (Hotels, Rooming Houses, Camps and Other Lodging Places) of the SIC Manual shall not exceed twenty percent of its Portfolio as of the close of any full fiscal year.

(2) Prepayments of outstanding Financing or similar events occurring beyond the control of the Licensee within the fiscal year shall be disregarded in determining whether the Licensee meets the foregoing requirements as of the close of its fiscal year. SBIC's licensed prior to [effective date] who have not been licensed or otherwise specifically authorized in writing by SBA to specialize in Major Groups and whose investments in Small Concerns classified under any single Major Group of the SIC Manual exceeded one-third of their Portfolio, may retain such excess investments (not consummated in violation of provisions in effect when made) for a period not to exceed three years from [effective date] but shall not undertake further investments in such Major Group until their Portfolio is diversified to such extend that the aggregate amount of investments in any single Major Group is less than one-third of the total Portfolio.

(3) Thereafter, new investments may be made, subject to the provisions of the Act and Regulations, in the Major Group, as long as the one-third maximum limitation is not exceeded.

(4) SBICs licensed prior to [effective date], and who have not been specifically licensed or otherwise authorized in writing by SBA to operate as an approved real estate specialist and whose investments in Small Concerns classified under Major Groups 15, 65 and/or 70 exceed one-half of their portfolio, may retain such excess investments (not consummated in violation of provisions in effect when made) for a period not to exceed three years from [effective date] but shall not undertake further investments in such Major Groups until their Portfolio is diversified to such extent that the aggregate amount of investments in these Major Groups is less than one-half of the total portfolio. Thereafter, new investments may be made, subject to the provisions of the Act and Regulations, in such Major Groups, as long as the one-half maximum limitation is not exceeded.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: September 4, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-28820 Filed 10-31-84; 8:45 am]

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federal register

Thursday
November 1, 1984

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 511

Formula Allocations for the Rental Rehabilitation Program for Fiscal Year 1984 and Deadlines for Submission of Program Descriptions; Rule-Related Notice and Request for Comments Prior to Publication of Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 511

[Docket No. N-84-1458; FR-2053]

Notice of Formula Allocations for the Rental Rehabilitation Program for Fiscal Year 1985 and Deadlines for Submission of Program Descriptions

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Rule-related notice, and request for comments prior to publication of final rule.

SUMMARY: This notice announces the allocations of Rental Rehabilitation Program funds for cities with populations of 50,000 or more, urban counties, consortia of units of general local government and States for Fiscal Year 1985. It also sets the dates by which Program Descriptions must be submitted to HUD for these potential grantees to be considered for actual grants based upon these allocations. Finally, this notice announces certain technical changes in the program resulting from the Housing and Community Development Technical Amendments Act of 1984.

DATE: HUD invites interested persons to submit comments on the plan described in this notice for implementing section 17(c)(3)(A) of the United States Housing Act of 1937, as amended by section 103(a)(2) of the Housing and Community Development Technical Amendments Act of 1984. Comments must be received on or before January 5, 1985.

ADDRESS: Comments should be addressed to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each set of comments submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Craig S. Nickerson, Director, Rental Rehabilitation Division, Room 7162, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., Telephone (202) 755-5970. (This is not a toll free number).

SUPPLEMENTARY INFORMATION:

Formula Allocations

The Rental Rehabilitation Program is authorized by Section 17 of the United States Housing Act of 1937 (42 USC 1437o). The Program's interim regulations are published at 24 CFR Part 511 (49 FR 16936, April 20, 1984). Section 511.30 contains the formula for allocating Rental Rehabilitation Program funds. Appendix A to this notice contains the formula allocations for cities, urban counties and consortia. Appendix B to this notice contains the formula allocations for States. Cities having a population of 50,000 or more, urban counties and consortia of units of general local government having a combined population of 50,000 or more and States are eligible to receive a formula allocation. A minimum allocation of $50,000 applies to all of these entities except States. The eligibility of cities with populations of 50,000 or more and urban counties is determined by whether they were so classified for purposes of the Community Development Block Grant Entitlement Program (24 CFR Part 570) for Federal Fiscal Year 1984. For city, urban county and consortium grantees receiving a formula allocation of at least $50,000, grant amounts have been rounded to the nearest thousand.

The formula factors for allocating the Fiscal Year 1985 funds are the same as those used in Fiscal Year 1984. For the calculation of the Fiscal Year 1984 allocations, specific data were not available regarding the statutory exclusion of areas eligible for assistance under Title V of the Housing Act of 1949. HUD, thus, estimated the overall rural exclusion data for the State allocations. State amounts from Fiscal Year 1985 differ from the amounts calculated for Fiscal Year 1984 because of refined data and, in general, decrease if there are allocations to newly eligible cities or urban counties within the State.

For Puerto Rico, the date used in Fiscal Year 1984 were based on estimates derived from the 1980 Census. For Fiscal Year 1985, actual data for Puerto Rico were obtained from the Bureau of the Census which result in an increase of 12 percent in the total allocation of rental rehabilitation funds to Puerto Rico.

Pursuant to § 511.5, the General Deputy Assistant Secretary for Community Planning and Development hereby waives for Fiscal Year 1985 the requirement in § 511.30(d) to exclude data concerning rental units located in title V-eligible areas from *all* formula allocations. HUD has concluded that the title V area data should be excluded only from the calculation of formula allocations that may not be used in title V-eligible areas, that is, from States' allocations and consortia and not from urban counties. Retention of this requirement for urban counties would adversely affect achievement of the purposes of the Rental Rehabilitation Program.

Technical Amendments Act Changes

Section 511.50 of the interim rule authorizes a State that elects to administer a Rental Rehabilitation Program to carry out eligible activities (1) in cities having populations of less than 50,000, and (2) in cities and urban counties whose allocations are below a minimum specified amount. Section 103(e)(1) of the Housing and Community Development Technical Amendments Act of 1984 (Pub. L. 98-479, approved October 17, 1984) (hereafter, the technical amendments Act) amended Section 17(e)(1) of the United States Housing Act of 1937 by eliminating reference to "cities with populations of less than fifty thousand" and substituting "units of general local government and areas of the State that do not receive allocations under subsection (b)."

The General Deputy Assistant Secretary for Community Planning and Development has determined that this legislative change should be implemented immediately for both Fiscal Years 1984 and 1985. The change assures that Rental Rehabilitation activities can be carried out in all areas that contributed demography in determining the States allocations. Therefore, under § 511.5 of the interim rule, the General Deputy Assistant Secretary waives language in § 511.50 that restricts the use of grant amounts to areas previously required by statute. The effect of this change is to permit States' allocations, whether administered by States under § 511.51 or by HUD under § 511.52, to be used for eligible projects in units of general local government and all other areas of the State that are not eligible to receive direct allocations themselves and that are not eligible for assistance under title V of the Housing Act of 1949, as amended.

Section 103(c)(2) of the technical amendments Act revises section 17(c)(3)(A) of the United States Housing Act of 1937 to clarify that the Secretary shall assure that an equitable share of funds is used to provide units for families with children, particularly large families requiring three or more bedroom units. The Department has determined that the three or more

bedroom feature of this amendment can be satisfied if at least 15 percent of the national units rehabilitated with Rental Rehabilitation Program grant amounts are units of three or more bedrooms. The Secretary intends to assure that at least that level is achieved through the following steps:

1. The Department will require that at least 70 percent of funds will normally be used by each grantee for units of two or *more* bedrooms.

2. The Department will require each grantee to establish a priority in project selection for units of three or more bedrooms.

3. The Department will require each grantee to explain in its Program Description how this priority for rehabilitation of units of three and more bedrooms will be met.

4. Through the Program's Cash and Management Information System, the Department will track and make available the number of bedrooms of every unit rehabilitated. Information on each grantee's performance and on overall national performance of rehabilitating three-bedroom or larger units will be made available to the Congress, the grantees and the public periodically (and in no event less than annually).

5. The grantee's performance in achieving a high percentage of rehabilitation of three-bedroom units among all units rehabilitated will be publicly rated through the "performance adjustment system" (see 24 CFR 511.32). As part of this system, grantees will be financially rewarded and penalized based in part on the extent to which they rehabilitate three-bedroom units.

The Department reserves the right to establish a mandatory standard for each grantee for achievement of three-bedroom and larger units should the data (which will be continually available) indicate any substantial prospect that the Secretary will not achieve the mandated minimum within any 2-year period.

The change made by section 103(c)(2) of the technical amendments Act applies to Program Descriptions submitted for Fiscal Year 1985 Rental Rehabilitation Program funding.

The Department invites comments from the public on the implementation of section 17(c)(3)(A) prior to publication of the program final rule, to be published during Fiscal Year 1985.

Deadline for Submitting Program Descriptions

Section 511.20(a) of the Program regulations states that cities and urban counties (and consortia) eligible to receive a grant based on a formula allocation must submit a Program Description to the appropriate HUD Field Office within 45 days of written notification of the rental rehabilitation fund allocation. States that elect to participate in the Rental Rehabilitation Program must submit a Program Description to the appropriate HUD Field Office within 75 days of written notification of their allocation. In addition, HUD will administer the allocation for any State that does not notify the responsible HUD Field Office of its election to administer the Rental Rehabilitation Program within 30 days of written notification of their allocations. This notice is the written notification to all potential formula grantees of the rental rehabilitation fund allocation.

Thus, cities, urban counties and consortia receiving a formula allocation must deliver their Program Descriptions to the appropriate HUD Field Office or have them post-marked no later than December 17, 1984 to be considered for a grant. If States elect to administer the Rental Rehabilitation Program in Fiscal Year 1985 they must notify HUD in writing of their intent to participate in the program by December 1, 1984 and must deliver their Program Descriptions or have them postmarked by January 14, 1985 to be considered for a grant.

If a State chooses not to participate in the Rental Rehabilitation Program, eligible units of general local government located in the State that wish to participate in the HUD-Administered State Program must submit a Program Description to the responsible HUD Field Office within 45 days of the date stated in a written notification from HUD to such potential grantees of fund availability under the program for the fiscal year. These notifications will be directly issued by HUD Field Offices when it is known which States, if any, are not participating in Fiscal Year 1985.

The Catalog of Federal Domestic Assistance program number is 14.230 Rental Housing Rehabilitation. The collection of information requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) and have been assigned OMB Control No. 2506–0078.

Authority: Section 17, United States Housing Act of 1937, 42 U.S.C. 1437o; Section 7(d). Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 29, 1984.

Jeffrey A. Finkle,

Acting General Deputy Assistant Secretary for Community Planning and Development.

BILLING CODE 4210-29-M

Appendix A

RENTAL REHABILITATION PROGRAM
FORMULA ALLOCATIONS
FOR
CITIES, URBAN COUNTIES AND CONSORTIA
FISCAL YEAR 1985

STATE LOCALITY	TYPE OF LOCALITY*	$ IN THOUSANDS
ALABAMA		
BIRMINGHAM	51	367
HUNTSVILLE	51	86
MOBILE	51	168
MONTGOMERY	51	154
TUSCALOOSA	51	94
JEFFERSON COUNTY	66	130
ALASKA		
ANCHORAGE	51	97
ARIZONA		
GLENDALE	52	54
MESA	52	79
PHOENIX	51	537
TEMPE	52	77
TUCSON	51	311
MARICOPA COUNTY	66	99
PIMA COUNTY	66	64
ARKANSAS		
FORT SMITH	51	59
LITTLE ROCK	51	133
PINE BLUFF	51	54
CALIFORNIA		
ALAMEDA	52	64
ALHAMBRA	52	70
ANAHEIM	51	172
BAKERSFIELD	51	85
BELLFLOWER	52	53
BERKELEY	52	212
BURBANK	52	78
CHULA VISTA	52	59
COMPTON	52	75
CONCORD	52	53
COSTA MESA	52	80
DOWNEY	52	56
EL CAJON	52	77
EL MONTE	52	92
ESCONDIDO CITY	52	57
FREMONT	52	52
FRESNO	51	224
FULLERTON	52	76
GARDEN GROVE	51	72
GLENDALE	52	170
HAWTHORNE	52	60
HAYWARD	52	65
HUNTINGTON BEACH	52	104
INGLEWOOD	52	126
LONG BEACH	51	503
LOS ANGELES	51	4279
MODESTO	51	76
MOUNTAIN VIEW	52	59
NEWPORT BEACH	52	52
OAKLAND	51	542
OCEANSIDE	52	66
ONTARIO	51	54
ORANGE	52	54
OXNARD	51	82
PASADENA	52	150
POMONA	52	78
REDONDO BEACH	52	56
RICHMOND	52	66
RIVERSIDE	51	128
SACRAMENTO	51	291
SALINAS	51	69
SAN BERNADINO	51	113
SAN DIEGO	51	886
SAN FRANCISCO	51	1262
SAN JOSE	51	374
SAN MATEO	52	61
SANTA ANA	51	179
SANTA BARBARA	51	107
SANTA CLARA	52	63
SANTA MONICA	52	147
SANTA ROSA	51	68
SOUTH GATE	52	65
STOCKTON	51	167
SUNNYVALE	52	65
TORRANCE	52	80
VALLEJO	51	52
VENTURA	51	63
ALAMEDA COUNTY	66	132
CONTRA COSTA	66	159
FRESNO COUNTY	66	168
KERN COUNTY	66	179
LOS ANGELES COUNTY	66	1553
MARIN COUNTY	66	149
ORANGE COUNTY	66	296
RIVERSIDE COUNTY	66	268
SACRAMENTO COUNTY	66	292
SAN BERNARDINO COUNTY	66	316
SAN DIEGO COUNTY	66	303
SAN MATEO COUNTY	66	193
SANTA CLARA COUNTY	66	152
SONOMA COUNTY	66	137
COLORADO		
AURORA	52	71
BOULDER	51	94
COLORADO SPRINGS	51	163
DENVER	51	620
FORT COLLINS	51	72
GREELEY	51	60
PUEBLO	51	87
CONNECTICUT		
BRIDGEPORT	51	254
HARTFORD	51	302
NEW BRITAIN	51	88
NEW HAVEN	51	266
NORWALK	51	58
STAMFORD	51	82
WATERBURY	51	136
DELAWARE		
WILMINGTON	51	103
NEW CASTLE COUNTY	66	139
DISTRICT OF COLUMBIA		
WASHINGTON	51	920
FLORIDA		
CLEARWATER	52	63
DAYTONA BEACH	51	84
FT LAUDERDALE	51	157
GAINESVILLE	51	108
HIALEAH	52	136
HOLLYWOOD	51	81
JACKSONVILLE	51	431
MIAMI	51	690
MIAMI BEACH	52	329
ORLANDO	51	137
PENSACOLA	51	57
ST PETERSBURG	51	225
TALLAHASSEE	51	128
TAMPA	51	267
WEST PALM BEACH	51	82
BROWARD COUNTY	66	286
DADE COUNTY	66	626
HILLSBOROUGH COUNTY	66	174
ORANGE COUNTY	66	189
PALM BEACH COUNTY	66	204
PINELLAS COUNTY	66	132
POLK COUNTY	66	107
VOLUSIA COUNTY	66	96
GEORGIA		
ALBANY	51	95
ATLANTA	51	645
COLUMBUS	51	164
MACON	51	147
SAVANNAH	51	181
COBB COUNTY	66	94
DE KALB COUNTY	66	216
FULTON COUNTY	66	128
HAWAII		
HONOLULU	51	561
IDAHO		
BOISE	51	72
ILLINOIS		
AURORA	52	51
CHAMPAIGN	51	77
CHICAGO	51	5319

STATE LOCALITY	TYPE OF LOCALITY*	$ IN THOUSANDS
ILLINOIS		
CICERO	52	65
DECATUR	51	77
EAST ST LOUIS	52	102
EVANSTON	52	74
JOLIET	52	60
PEORIA	51	110
ROCKFORD	51	106
SPRINGFIELD	51	91
COOK COUNTY	66	526
DU PAGE COUNTY	66	149
LAKE COUNTY	66	90
MADISON COUNTY	66	138
ST CLAIR COUNTY	66	118
INDIANA		
BLOOMINGTON	51	78
EVANSVILLE	51	122
FORT WAYNE	51	133
GARY	51	143
HAMMOND	51	68
INDIANAPOLIS	51	561
MUNCIE	51	87
SOUTH BEND	51	81
TERRE HAUTE	51	58
LAKE COUNTY	66	52
IOWA		
CEDAR RAPIDS	51	66
DAVENPORT	51	88
DES MOINES	51	166
IOWA CITY	51	70
SIOUX CITY	51	67
WATERLOO	51	56
KANSAS		
KANSAS CITY	52	126
LAWRENCE	51	77
TOPEKA	51	88
WICHITA	51	210
KENTUCKY		
LEXINGTON-FAYETTE	51	202
LOUISVILLE	51	393
JEFFERSON COUNTY	66	113
LOUISIANA		
ALEXANDRIA	51	60
BATON ROUGE	51	253
LAFAYETTE	51	63
LAKE CHARLES	51	54
MONROE	51	69
NEW ORLEANS	51	1044
SHREVEPORT	51	174
JEFFERSON PARISH	66	202
MAINE		
PORTLAND	51	123
MARYLAND		
BALTIMORE	51	1286
ANNE ARUNDEL COUNTY	66	127
BALTIMORE COUNTY	66	263
MONTGOMERY COUNTY	66	229
PRINCE GEORGES COUNTY	66	300
MASSACHUSETTS		
BOSTON	51	1190
BROCKTON	51	116
BROOKLINE	52	76
CAMBRIDGE	52	180
FALL RIVER	51	151
LAWRENCE	51	122
LOWELL	51	127
LYNN	52	125
MALDEN	52	61
NEW BEDFORD	51	165
PITTSFIELD	51	53
QUINCY	52	79
SOMERVILLE	52	133
SPRINGFIELD	51	225
WALTHAM	52	58
WORCESTER	51	217

STATE LOCALITY	TYPE OF LOCALITY*	$ IN THOUSANDS
MICHIGAN		
ANN ARBOR	51	133
BATTLE CREEK	51	59
DETROIT	51	1828
EAST LANSING	51	56
FLINT	51	154
GRAND RAPIDS	51	184
KALAMAZOO	51	115
LANSING	51	130
PONTIAC	52	77
SAGINAW	51	92
GENESEE COUNTY	66	88
MACOMB COUNTY	66	61
OAKLAND COUNTY	66	149
WAYNE COUNTY	66	167
MINNESOTA		
DULUTH	51	107
MINNEAPOLIS	51	529
ST PAUL	51	257
DAKOTA COUNTY	66	58
HENNEPIN COUNTY	66	149
MISSISSIPPI		
JACKSON	51	174
MISSOURI		
COLUMBIA	51	74
KANSAS CITY	51	456
ST JOSEPH	51	70
ST LOUIS	51	792
SPRINGFIELD	51	124
ST LOUIS COUNTY	66	266
MONTANA		
BILLINGS	51	61
NEBRASKA		
LINCOLN	51	136
OMAHA	51	269
NEVADA		
LAS VEGAS	51	143
RENO	51	110
CLARK COUNTY	66	193
NEW HAMPSHIRE		
MANCHESTER	51	120
NASHUA	51	57
NEW JERSEY		
BAYONNE	52	78
CAMDEN	52	144
EAST ORANGE	52	139
ELIZABETH	52	161
IRVINGTON	52	101
JERSEY CITY	51	455
NEWARK	51	811
PASSAIC	51	129
PATERSON	51	285
TRENTON	51	148
UNION CITY	52	131
BERGEN COUNTY	66	404
BURLINGTON COUNTY	66	103
CAMDEN COUNTY	66	129
ESSEX COUNTY	66	193
GLOUCESTER COUNTY	66	89
HUDSON COUNTY	66	348
MIDDLESEX COUNTY	66	104
MONMOUTH COUNTY	66	182
MORRIS COUNTY	66	106
OCEAN COUNTY	66	85
SOMERSET COUNTY	66	66
UNION COUNTY	66	165
NEW MEXICO		
ALBUQUERQUE	51	254
NEW YORK		
ALBANY	51	195
BABYLON TOWN	52	72
BINGHAMTON	51	98
BUFFALO	51	749

STATE LOCALITY	TYPE OF LOCALITY*	$ IN THOUSANDS
NEW YORK		
ISLIP TOWN	52	98
MOUNT VERNON	52	118
NEW ROCHELLE	52	77
NEW YORK	51	15619
NIAGARA FALLS	52	92
ROCHESTER	51	403
SCHENECTADY	51	109
SYRACUSE	51	305
TROY	51	94
UTICA	51	128
YONKERS	52	240
DUTCHESS COUNTY	66	79
ERIE COUNTY	66	119
MONROE COUNTY	66	101
NASSAU COUNTY	66	386
ONONDAGA COUNTY	66	85
ORANGE COUNTY	66	104
ROCKLAND COUNTY	66	105
SUFFOLK COUNTY	66	179
WESTCHESTER COUNTY	66	186
NORTH CAROLINA		
ASHEVILLE	51	59
CHARLOTTE	51	260
DURHAM	51	138
FAYETTEVILLE	51	65
GREENSBORO	51	123
HIGH POINT	51	62
RALEIGH	51	135
WINSTON SALEM	51	140
NORTH DAKOTA		
FARGO	51	61
OHIO		
AKRON	51	241
CANTON	51	99
CINCINNATI	51	721
CLEVELAND	51	1019
COLUMBUS	51	685
DAYTON	51	286
HAMILTON CITY	51	68
LAKEWOOD	52	59
LORAIN	51	51
MANSFIELD	51	55
SPRINGFIELD	51	98
TOLEDO	51	359
YOUNGSTOWN	51	136
CUYAHOGA COUNTY	66	207
FRANKLIN COUNTY	66	93
HAMILTON COUNTY	66	151
MONTGOMERY COUNTY	66	108
STARK COUNTY	66	73
SUMMIT COUNTY	66	75
OKLAHOMA		
LAWTON	51	62
NORMAN	52	62
OKLAHOMA CITY	51	322
TULSA	51	270
OREGON		
EUGENE	51	135
PORTLAND	51	520
SALEM	51	84
CLACKAMAS COUNTY	66	86
MULTNOMAH COUNTY	66	121
WASHINGTON COUNTY	66	122
PENNSYLVANIA		
ALLENTOWN	51	115
ALTOONA	51	54
BETHLEHEM	51	56
ERIE	51	140
HARRISBURG	51	83
LANCASTER	51	82
PHILADELPHIA	51	2344
PITTSBURGH	51	692
READING	51	123
SCRANTON	51	106
UPPER DARBY	52	53
WILKES-BARRE	51	63
ALLEGHENY COUNTY	66	528
BEAVER COUNTY	66	104

STATE LOCALITY	TYPE OF LOCALITY*	$ IN THOUSANDS
PENNSYLVANIA		
BERKS COUNTY	66	73
BUCKS COUNTY	66	123
CHESTER COUNTY	66	134
DELAWARE COUNTY	66	159
LANCASTER COUNTY	66	119
LUZERNE COUNTY	66	122
MONTGOMERY COUNTY	66	185
WASHINGTON COUNTY	66	131
WESTMORELAND COUNTY	66	128
YORK COUNTY	66	88
RHODE ISLAND		
PAWTUCKET	51	101
PROVIDENCE	51	345
SOUTH CAROLINA		
CHARLESTON	51	115
COLUMBIA	51	111
GREENVILLE	51	75
NORTH CHARLESTON	52	59
GREENVILLE COUNTY	66	111
SOUTH DAKOTA		
SIOUX FALLS	51	62
TENNESSEE		
CHATTANOOGA	51	180
KNOXVILLE	51	213
MEMPHIS	51	649
NASHVILLE-DAVIDSON	51	369
TEXAS		
ABILENE	51	62
AMARILLO	51	84
ARLINGTON	52	93
AUSTIN	51	413
BEAUMONT	51	96
BROWNSVILLE	51	80
CORPUS CHRISTI	51	172
DALLAS	51	852
EL PASO	51	372
FORT WORTH	51	291
GALVESTON	51	73
HOUSTON	51	1371
IRVING	52	60
LAREDO	51	87
LUBBOCK	51	137
ODESSA	51	55
PASADENA	52	60
SAN ANGELO	51	52
SAN ANTONIO	51	660
TYLER	51	59
WACO	51	114
WICHITA FALLS	51	66
HARRIS COUNTY	66	166
TARRANT COUNTY	66	89
CONSORT KILLEEN-TEMPLE	67	82
UTAH		
OGDEN	51	64
PROVO	51	78
SALT LAKE CITY	51	222
SALT LAKE COUNTY	66	96
VERMONT		
VIRGINIA		
ALEXANDRIA	52	99
CHESAPEAKE	52	57
HAMPTON	51	77
LYNCHBURG	51	56
NEWPORT NEWS	51	126
NORFOLK	51	325
PORTSMOUTH	51	104
RICHMOND	51	312
ROANOKE	51	107
VIRGINIA BEACH	51	123
ARLINGTON COUNTY	66	138
FAIRFAX COUNTY	66	205

STATE LOCALITY	TYPE OF LOCALITY*	$ IN THOUSANDS
WASHINGTON		
EVERETT	51	61
SEATTLE	51	636
SPOKANE	51	225
TACOMA	51	183
KING COUNTY	66	265
PIERCE COUNTY	66	160
SNOHOMISH COUNTY	66	96
WEST VIRGINIA		
CHARLESTON	51	62
HUNTINGTON	51	82
WISCONSIN		
EAU CLAIRE	51	56
GREEN BAY	51	72
MADISON	51	226
MILWAUKEE	51	765
RACINE	51	64
MILWAUKEE COUNTY	66	73
WYOMING		
PUERTO RICO		
AGUADILLA	51	55
ARECIBO	51	62
BAYAMAON MUNICIPIO	52	101
CAGUAS MUNICIPIO	51	81
CAROLINA MUNICIPIO	52	97
MAYAGUEZ MUNICIPIO	51	126
PONCE MUNICIPIO	51	168
SAN JUAN MUNICIPIO	51	658

*51 = Central City
52 = Suburban City
66 = Urban County
67 = Consortium

RENTAL REHAB ALLOCATION
STATE SUMMARY REPORT

Appendix B

FY85 ALLOCATIONS (* DOLLARS IN THOUSANDS)

	METRO CITY #	METRO CITY AMOUNT*	URBAN COUNTY #	URBAN COUNTY AMOUNT*	CITY/COUNTY AMOUNT*	STATE AMOUNT*	CITY/COUNTY/STATE TOTAL AMOUNT*
ALABAMA	5	869	1	130	999	934	1,933
ALASKA	1	97			97	61	158
ARIZONA	5	1,058	2	163	1,221	277	1,498
ARKANSAS	3	246			246	754	1,000
CALIFORNIA	57	12,589	14	4,297	16,886	2,737	19,623
COLORADO	7	1,167			1,167	571	1,738
CONNECTICUT	7	1,186			1,186	847	2,033
DELAWARE	1	103	1	139	242	41	283
DISTRICT OF COLUMBIA	1	920			920		920
FLORIDA	15	2,975	8	1,814	4,789	1,469	6,258
GEORGIA	5	1,232	3	438	1,670	1,352	3,022
HAWAII	1	561			561	80	641
IDAHO	1	72			72	289	361
ILLINOIS	11	6,132	5	1,021	7,153	1,557	8,710
INDIANA	9	1,331	1	52	1,383	1,066	2,449
IOWA	6	513			513	699	1,212
KANSAS	4	501			501	582	1,083
KENTUCKY	2	595	1	113	708	853	1,561
LOUISIANA	7	1,717	1	202	1,919	736	2,655
MAINE	1	123			123	501	624
MARYLAND	1	1,286	4	919	2,205	361	2,566
MASSACHUSETTS	16	3,078			3,078	1,869	4,947
MICHIGAN	10	2,828	4	465	3,293	1,557	4,850
MINNESOTA	3	893	2	207	1,100	696	1,796
MISSISSIPPI	1	174			174	837	1,011
MISSOURI	5	1,516	1	266	1,782	812	2,594
MONTANA	1	61			61	318	379
NEBRASKA	2	405			405	267	672
NEVADA	2	253	1	193	446	85	531
NEW HAMPSHIRE	2	177			177	287	464
NEW JERSEY	11	2,582	12	1,974	4,556	1,007	5,563
NEW MEXICO	1	254			254	384	638
NEW YORK	15	18,397	9	1,344	19,741	1,998	21,739
NORTH CAROLINA	8	982			982	1,353	2,335
NORTH DAKOTA	1	61			61	166	227
OHIO	13	3,877	6	707	4,584	1,920	6,504
OKLAHOMA	4	716			716	766	1,482
OREGON	3	739	3	329	1,068	577	1,645
PENNSYLVANIA	12	3,911	12	1,894	5,805	1,747	7,552
RHODE ISLAND	2	446			446	450	896
SOUTH CAROLINA	4	360	1	111	471	839	1,310
SOUTH DAKOTA	1	62			62	208	270
TENNESSEE	4	1,411			1,411	839	2,250
TEXAS	22	5,309	3	337	5,646	2,425	8,071
UTAH	3	364	1	96	460	202	662
VERMONT						228	228
VIRGINIA	10	1,386	2	343	1,729	806	2,535
WASHINGTON	4	1,105	3	521	1,626	869	2,495
WEST VIRGINIA	2	144			144	491	635
WISCONSIN	5	1,183	1	73	1,256	984	2,240
WYOMING						172	172
PUERTO RICO	8	1,348			1,348	631	1,979
US TOTALS	325	89,295	102	18,148	107,443	41,557	149,000

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Federal Register

Vol. 49, No. 213

Thursday, November 1, 1984

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Last List October 16, 1984

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November 6	November 21	December 6	December 21	January 7	February 4
November 7	November 23	December 7	December 24	January 7	February 5
November 8	November 23	December 10	December 24	January 7	February 6
November 9	November 26	December 10	December 24	January 8	February 7
November 13	November 28	December 13	December 28	January 14	February 11
November 14	November 29	December 14	December 31	January 14	February 12
November 15	November 30	December 17	December 31	January 14	February 13
November 16	December 3	December 17	December 31	January 15	February 14
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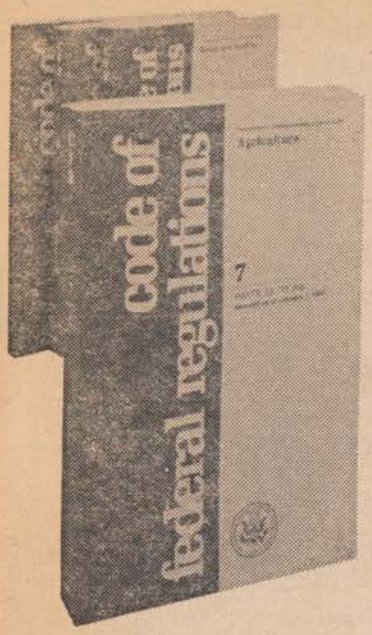
November 20	December 5	December 20	January 4	January 21	February 19
November 21	December 6	December 21	January 7	January 21	February 19
November 23	December 10	December 24	January 7	January 22	February 21
November 26	December 11	December 26	January 10	January 25	February 25
November 27	December 12	December 27	January 11	January 28	February 25
November 28	December 13	December 28	January 14	January 28	February 26
November 29	December 14	December 31	January 14	January 28	February 27
November 30	December 17	December 31	January 14	January 29	February 28



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