

REGISTER FEDERAL REGISTER

Thursday
February 9, 1984

Selected Subjects

Administrative Practice and Procedure
Food and Drug Administration

Bridges
Coast Guard

Civil Rights
Small Business Administration

Credit
Federal Reserve System

Endangered and Threatened Species
Fish and Wildlife Service

Hazardous Materials Transportation
Coast Guard

Marketing Agreements
Agricultural Marketing Service

Natural Gas
Federal Energy Regulatory Commission

Postal Service
Postal Service

Reporting and Recordkeeping Requirements
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Small Businesses
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Coast Guard

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Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Water Pollution Control

Environmental Protection Agency

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The Federal Register will be furnished by mail to subscribers for \$300.00 per year, or \$150.00 for six months, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

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

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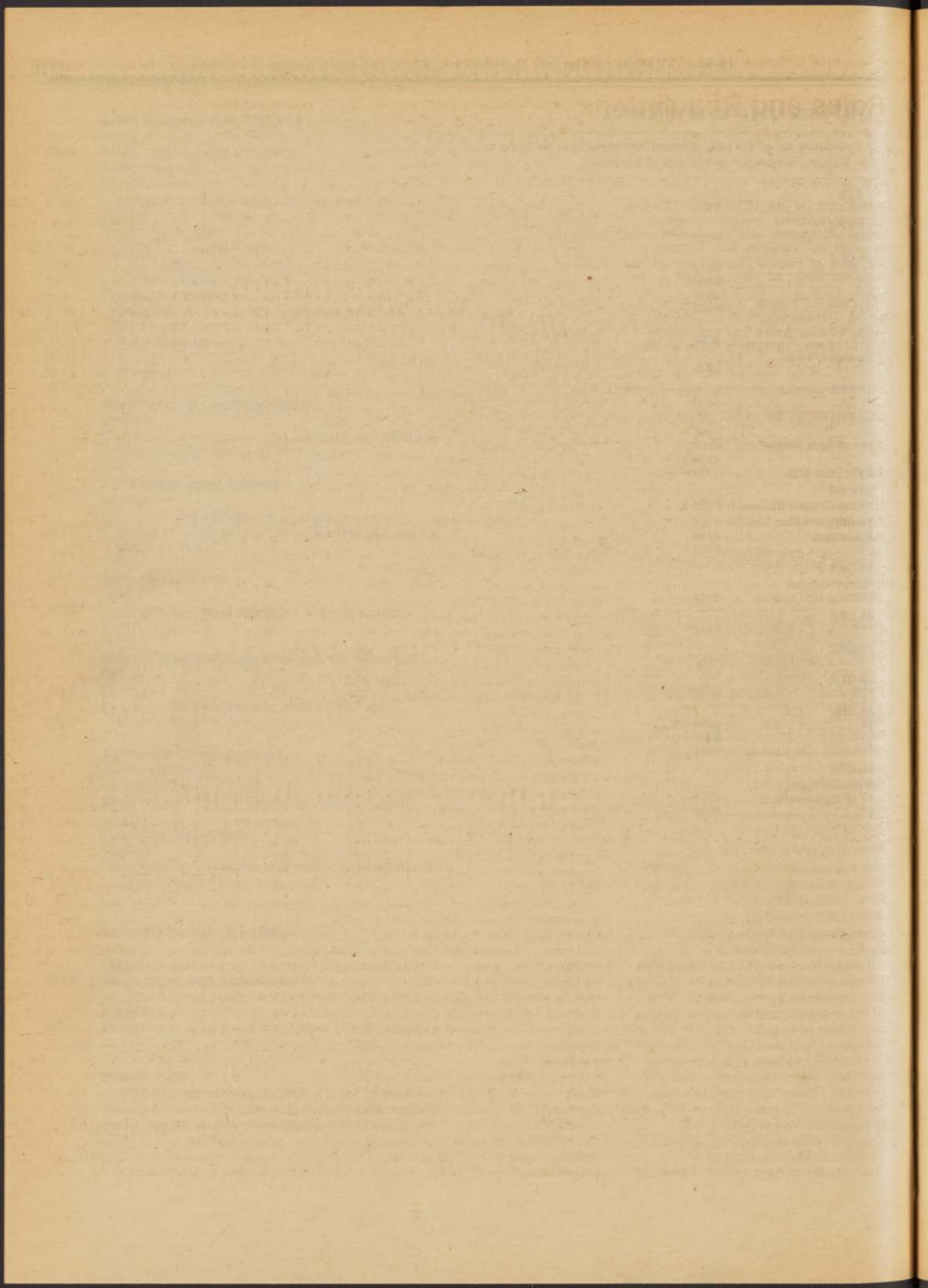
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Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue

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Rules and Regulations

Federal Register

Vol. 49, No. 28

Thursday, February 9, 1984

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Amendment No. 3 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule further amends the continuing regulation § 959.322 to delete the ten-percent limitation on consumer-size packages, add 2, 3, 5 and 10-pound bags to container requirements and require city destinations on inspection certificates. It enables handlers to ship unlimited quantities in consumer size packages and help the committee develop information on distribution patterns. The amendment will promote orderly marketing of such onions by removing limitations and providing marketing information.

EFFECTIVE DATE: March 10, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-5764.

SUPPLEMENTARY INFORMATION: Paperwork Reduction Act.

Information collection requirements contained in this regulation (7 CFR Part 959) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581-0074.

This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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.

Notice was published in the December 30, 1983, *Federal Register* (48 FR 57498) regarding the proposal. It afforded interested persons an opportunity to file written comments by January 28, 1984. None was filed.

Marketing Agreement No. 143 and Order No. 959, both as amended, regulate the handling of onions grown in designated counties in South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in October 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation submitted by the committee or other information available to the Secretary.

At its public organizational meeting in Laredo, Texas, on November 3, 1983, the committee recommended that the regulation continue in effect again this season with two changes.

The committee recommended that the 10 percent limitation on consumer packages be deleted and 2, 3, 5 and 10-pound packages be included in paragraph (c), *Container requirements*. For the past decade onions shipped in consumer-sized packages were handled under paragraph (f) *Special purpose shipments*, and the volume so shipped was limited to not more than 10 percent of a handler's total volume. However, the committee has concluded that conditions that prompted this restriction no longer exist and the handlers are able to provide a higher-quality pack that will not deteriorate when packed in plastic or other types of material customarily used for consumer-sized packages.

The committee also recommended that city designations be added to inspection certificates. During the past season the committee carried out a market development and promotion project aimed at increasing trade awareness of South Texas onions in

various city markets. They believe that requiring city destinations on inspection certificates will help the committee to further identify markets that would respond to future market development projects.

Although the regulation being amended is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before February 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of South Texas onions would tend to effectuate the declared policy of the act.

Findings. After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the following amendment, as hereinafter set forth, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions, Texas.

PART 959—ONIONS GROWN IN SOUTH TEXAS

Section 959.322 (47 FR 8551, 48 FR 7427, and 48 FR 25169) is hereby further amended by redesignating (c)(3) as (c)(4), adding a new (c)(3), revising (d)(1) and (f)(2), removing (f)(2) (i), (ii), (iii), and revising the introductory text of (g) as follows:

§ 959.322 Handling regulation.

(c) *Container requirements.* * * *

(3) 2-pound, 3-pound, 5-pound and 10-pound bags. The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(4) These container requirements shall not be applicable to onions sold to Federal agencies or for export.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e), (f)(1), or (f)(4)(ii) of this section, unless an inspection certificate has been issued by the Texas-Federal Inspection Service covering them and the certificate is valid at the time of shipment. City destinations shall be listed on inspection certificates and release forms.

(f) *Special purpose shipments.* * * *

(2) Onions may be packed in 50-pound cartons. Such shipments shall be exempt from paragraph (c) of this section, but must meet the provisions of paragraphs (a), (b) and (d) or paragraph (e) of this section and be handled in accordance with paragraph (g) of this section. The average net weight per carton shall not exceed 55 pounds.

(g) *Safeguards.* Each handler making shipments of onions for relief, charity, canning, freezing or experimental purposes or onions packed in 50-pound cartons shall:

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

Dated: February 6, 1984, to become effective March 10, 1984.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-3812 Filed 2-8-84; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1984-4]

Trade Association Solicitation Authorization

AGENCY: Federal Election Commission.

ACTION: Final rule, announcement of effective date.

SUMMARY: On October 20, 1983 (48 FR 48650), the Commission published the text of revisions to 11 CFR 114.8 (c)(2), (d)(2), and (d)(4), as transmitted to Congress. These regulations permit trade associations to request and receive approval from their corporate members to solicit contributions to the trade association's separate segregated fund, in a year prior to that in which the solicitation is to occur. The Commission announces that these regulations are effective as of February 9, 1984.

EFFECTIVE DATE: February 9, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463.

SUPPLEMENTARY INFORMATION: 2 U.S.C. 438(d) requires that any rule or regulation prescribed by the Commission to implement Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. Because these regulations have been before both Houses of Congress for 30 legislative days, the Commission may finally prescribe the regulations in question. The regulations made effective by this notice were transmitted to Congress on October 17, 1983. Thirty legislative days expired in the Senate on January 27, 1984, and in the House of Representatives on January 31, 1984.

Announcement of Effective Date

11 CFR 114.8 (c)(2), (d)(2), and (d)(4), as published at 48 FR 48650, are effective as of February 9, 1984.

Dated: February 6, 1984.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 84-3504 Filed 2-8-84; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

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

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin 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 20, 1983 and the First Supplement to that List, effective October 17, 1983, and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: February 21, 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 stocks traded over-the-counter on file at the Office of the Federal Register as of June 20, 1983. The complete List of OTC Margin Stock is comprised of the June 20, 1983 List of OTC Margin Stocks (48 FR 26587, June 9, 1983), the October 17, 1983 Supplement (48 FR 45533, October 6, 1983), and this February 21, 1984 Supplement. The List, as amended, 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). Copies of the current List and the Supplement of changes thereto 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, Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

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

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting and recordkeeping 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 to and deletions from the Board's List:

Board of Governors of the Federal Reserve System, Second Supplement to June 20, 1983 List of OTC Margin Stocks,¹ February 21, 1984

Additions to the List

ACRO Energy Corporation
No par common
Activision, Inc.
No par common
Advance Circuits, Inc.
\$.10 par common
Agency Rent-A-Car, Inc.
\$.05 par common
Alaska Bancorporation
\$.01 par common
Allnet Communication Services, Inc.
No par common
American Carriers, Inc.
No par common
Amgen
No par common
Applied Biosystems, Inc.
No par common
Applied Solar Energy Corporation
Warrants (expire 08-06-85)
Artel Communications Corporation
\$.01 par common
Associated Banc-Corp
\$1.00 par common
Avant-Garde Computing, Inc.
No par common
BFI Communications Systems, Inc.
\$.01 par common
BR Communications
No par common
Banc One Corporation
Series A, convertible preferred
Bankeast Corporation
\$1.00 par common
Basic American Medical, Inc.
No par common
Beck/Arnley Corporation

\$.25 par common
Bingo King Company, Inc.
\$.01 par common
Biogen N.V.
\$.01 par common
Bird Incorporated
\$1.00 par cumulative convertible preferred
Bishop Graphics, Inc.
\$.00666 par common
Burr-Brown Corporation
\$.01 par common
Calibre Corp.
No par common
California Silver Ltd.
No par common
Calmar Inc.
\$.10 par common
Calny, Inc.
\$.01 par common
Care Enterprises
No par common
Carhart Photo, Inc.
Class A, \$.10 par common
Chapman Energy, Inc.
\$.001 par common
Chemfix Technologies, Inc.
\$.01 par common
City Federal Savings & Loan Association (New Jersey)
Series B, \$25.00 par cumulative convertible preferred
Clayton Homes, Inc.
\$.10 par common
Cogenic Energy Systems, Inc.
\$.01 par common
Collins Industries, Inc.
\$.10 par common
Compaq Computer Corporation
\$.01 par common
Compushop Incorporated
\$.01 par common
Computer Data Systems, Inc.
\$.10 par common
Computer Horizons Corp.
\$.10 par common
Computer Language Research, Inc.
\$.01 par common
Continental Health Affiliates, Inc.
\$.02 par common
Warrants (expire 04-30-86)
Converse Inc.
\$1.00 par common
Corestates Financial Corporation
No par cumulative preferred
Cosmo Communications Corporation
\$.01 par common
DMI Furniture, Inc.
\$.10 par common
Daisy Systems Corporation
\$.01 par common
Damon Biotech, Inc.
\$.01 par common
Datapower, Inc.
No par common
Datum Inc.
\$.25 par common
Davis Water & Waste Industries, Inc.
\$1.00 par common
Deb Shops, Inc.

\$.01 par common
Dento-Med Industries, Inc.
\$.01 par common
Distributed Logic Corporation
No par common
Dixon Ticonderoga Company
\$1.00 par common
EMF Corporation
No par common
El Chico Corporation
\$.10 par common
Elan Pharmaceutical Research Corp.
\$.01 par common
Electronic Mail Corporation of America
\$.01 par common
Endata, Inc.
\$.10 par common
Energro, Inc.
\$.10 par common
Energetics, Inc.
\$.01 par common
Engineering Measurements Company
\$.01 par common
Environmental Systems Company
\$.01 par common
Erie Lackawanna Inc.
No par capital stock, \$1.00 stated value
Fabric Wholesalers Inc.
No par common
Farm Fresh, Inc.
\$.01 par common
First Data Resources Inc.
\$.01 par common
First Federal Savings and Loan Association of Arizona
\$.01 par common
First Federal Savings & Loan Association of Roanoke
\$.10 par common
First Fidelity Savings and Loan Association (Florida)
\$1.00 par common
First Financial Management Corp.
\$.10 par common
First Midwest Bancorp, Inc.
No par common
Forum Group, Inc.
Warrants (expire 12-31-85)
Foster Medical Corporation
\$1.00 par common
Foxmeyer Corporation
\$.01 par common
Gambro AB
American Depository Receipts for non-restricted B shares (nominal value SEK 20)
General Homes Corporation
\$.01 par common
General Microwave Corporation
\$.01 par common
Georgia Bonded Fibers, Inc.
\$.10 par common
Gibson, C. R., Company, The
\$1.25 par common
Gibson Greetings, Inc.
\$.01 par common
Good Taco Corporation, The

¹ The complete List of OTC Margin Stocks is comprised of the June 20, 1983 List of OTC Margin Stocks, the October 17, 1983 Supplement and this Second Supplement.

| | | |
|--|--|--|
| \$0.01 par common | Maine National Corp. | \$0.10 par common |
| Great American Federal Savings Bank (California) | \$5.00 par common | Possis Corporation |
| \$1.00 par common | Marine Transport Lines, Inc. | \$0.40 par common |
| Green Tree Acceptance, Inc. | \$0.10 par common | Power Conversion, Inc. |
| \$0.01 par common | Marquest Medical Products, Inc. | \$0.01 par common |
| HPSC, Inc. | No par common | Powertec, Inc. |
| \$0.01 par common | Maxwell Laboratories, Inc. | No par common |
| Halifax Engineering, Inc. | \$1.00 par common | Programming and Systems, Inc. |
| \$0.35 par common | Medar, Inc. | \$0.08 par common |
| Helionetics, Inc. | No par common, \$0.20 stated value | Prudential Bank, a Savings Bank (Seattle, WA) |
| Warrants (expire 11-30-87) | Medical 21 Corp. | \$5.00 par common |
| Home Federal Savings and Loan Association (Arizona) | \$0.01 par common | Publisher Equipment Corporation |
| \$0.01 par common | Merchants Savings Bank (New Hampshire) | No par common |
| Houston Oil Fields Company | \$1.00 par common | Quantech Electronics Corp. |
| \$0.10 par common | Merry Land & Investment Company, Inc. | \$0.01 par common |
| Howard Savings Bank, The (New Jersey) | No par common | RJ Financial Corporation |
| \$2.00 par common | Methode Electronics, Inc. | \$0.01 par common |
| Hytek Microsystems, Inc. | Class B, \$0.50 par common | Reading Company |
| No par common | Metropolitan Federal Savings and Loan Association of Fargo | \$0.01 par common |
| Immunogenetics, Inc. | \$0.01 par common | Realamerica Co. |
| \$0.01 par common | Microbiological Sciences, Inc. | \$1.00 par common |
| Institutional Networks Corporation | \$0.10 par common | Realist, Inc. |
| \$0.25 par capital | Micropolis Corporation | \$3.00 par common |
| Integrated Circuits Incorporated | No par common | Recoton Corporation |
| No par common | Midwest Financial Group, Inc. | \$0.20 par common |
| Integrated Software Systems Corporation | \$10.00 par common | Regis Corporation |
| No par common | Mini Mart Corporation | \$0.05 par common |
| Intelligent Communications Networks, Inc. | \$0.05 par common | Republic Health Corporation |
| No par common | Mobile Communications Corporation of America | \$0.05 par common |
| Warrants (expire 09-30-84) | Class A, \$1.00 par common | River Oaks Industries, Inc. |
| Interand Corporation | Morgan, Keegan & Company, Inc. | \$0.01 par common |
| \$0.01 par common | \$0.625 par common | Robeson Industries Corp. |
| Interface Flooring Systems, Inc. | NFA Corp. | \$10.00 par common |
| Class A, \$0.10 par common | \$0.10 par common | Royal Apex Silver, Inc. |
| International Lease Finance Corporation | Nash-Finch Company | \$0.05 par common |
| \$0.10 par common | \$1.66 $\frac{2}{3}$ par common | Royale Airlines, Inc. |
| Jamaica Water Properties, Inc. | Nobel Insurance Limited | No par common |
| \$0.10 par common | \$1.00 par capital | SIS Corporation |
| Jeffrey Martin, Inc. | Norsk Data A.S. | No par common |
| \$0.10 par common | American Depository Receipts for Class B, non-voting shares (par value NKR 20) | Scan-Tron Corporation |
| Key Tronic Corporation | Northwest Pennsylvania Corp. | No par common |
| No par common | \$5.00 par common | Scientific Systems Services, Inc. |
| King International Corporation | 1 Potato 2, Inc. | \$0.01 par common |
| \$1.00 par common | \$0.01 par common | Shoney's South, Inc. |
| Kinney System, Inc. | Overland Express, Inc. | \$0.05 par common |
| \$0.01 par common | No par common | Smith Laboratories, Inc. |
| Laidlaw Industries, Inc. | Pasquale Food Company, Inc. | No par common |
| Series A, \$1.00 par cumulative convertible preferred | Class A, \$1.00 par common | Solv-Ex Corporation |
| Live Care Communities Corporation | Paul Harris Stores, Inc. | \$0.01 par common |
| \$0.01 par common | No par common | Southern Hospitality Corporation |
| Local Federal Savings and Loan Association (Oklahoma) | Pearle Health Services, Inc. | \$0.08 $\frac{1}{2}$ par common |
| \$0.01 par common | \$1.00 par common | Span-America Medical Systems, Inc. |
| Lotus Development Corporation | Petroleum Helicopters, Inc. | No par common |
| \$0.01 par common | Voting, \$0.08 $\frac{1}{2}$ par common | Statewide Bancorp |
| Lymphomed, Inc. | Philadelphia Saving Fund Society, The | \$5.00 par capital |
| \$0.01 par common | \$1.00 par common | Stratus Computer, Inc. |
| MCI Communications Corporation | Phone-Mate, Inc. | \$0.01 par common |
| 7 $\frac{3}{4}$ % convertible subordinated debentures | \$0.10 par common | Sturm, Ruger & Company, Inc. |
| Mack Trucks, Inc. | Piezo Electric Products, Inc. | \$1.00 par common |
| \$1.00 par common | \$1.00 par cumulative convertible preferred | Systems Associates, Inc. |
| Magnetic Information Technology, Inc. | Pittsburgh Brewing Company | \$0.01 par common |
| \$0.01 par common | \$1.00 par common | TBC Corporation |
| | Poe & Associates, Inc. | \$0.10 par common |
| | | Technodyne, Inc. |
| | | \$0.50 par common |
| | | Telecrafter Corporation |
| | | No par common |

Telemation, Inc.
Class B, \$1.00 par common

Teleram Communications Corporation
\$.01 par common

Thermal Profiles, Inc.
\$.15 par common

Thoratec Laboratories Corporation
No par common

Thunander Corporation
\$.01 par common Warrants (expire 01-10-87)

Trak Auto Corporation
\$.01 par common

Trust Company of New Jersey, The
\$.75 par common

Trustco Bank Corp. NY
\$10.00 par common

202 Data Systems, Inc.
\$.10 par common

Ultra Bancorporation
\$5.00 par common

Ungermann-Bass, Inc.
\$.01 par common

Unioil
\$.01 par common

United Bancorporation Alaska, Inc.
\$.20 par common

United Bank, a Savings Bank (Tacoma, WA)
\$5.00 par common

United First Federal Savings and Loan Association (Florida)
\$.01 par common

United Michigan Corporation
\$5.00 par common

U.S. Shelter
No par shares of beneficial interest

Universal Telephone, Inc.
\$.100 par common

Usacafes
\$.10 par common

VLI Corporation
\$.01 par common

VSE Corporation
\$.05 par common

Vacu-Dry Company
\$.10 par common

Value Line, Inc.
\$.10 par common

Vanzetti Systems Inc.
\$.01 par common

Vega Biotechnologies, Inc.
\$.01 par common

Vipont Laboratories, Inc.
\$.01 par common

Vitality Unlimited, Inc.
\$.03 par common

Walker Telecommunications Corporation
Warrants (expire 04-05-90)

Waxman Industries, Inc.
No par common

Weatherford, R. V. CO.
No par common

Western Steer-Mom 'N' Pop's, Inc.
\$.100 par common

Western Waste Industries, Inc.
No par common

Westside Federal Savings & Loan Association (Seattle, WA)
\$.01 par common

Wicat Systems, Inc.
\$.01 par common

Winn Enterprises
\$.10 par shares of beneficial interest

Deletions From the List

AMFI Corporation²
\$1.00 par common

AMAREX, Inc.²
No par common

Amdisco Corporation
\$1.00 par common

American States Life Insurance Company
\$1.00 par common

Banc One Corporation
No par common, \$5.00 stated value

Bear Creek Corporation
\$.10 par common

Belo, A. H. Corporation
\$1.67 par common

Brooks Fashion Stores, Inc.
\$.10 par common

Chart House Inc.
No par common

Coopervision, Inc.
\$.10 par common

County Tower Corporation
\$5.00 par common

Dependable Insurance Group, Inc. of America, The
\$.10 par common

Dixon, Joseph Crucible Company, The
\$10.00 par common

Federated Income & Private Placement Fund
\$1.00 par capital

Fidelity Federal Savings and Loan Association (California)
\$.01 par common

First & Merchants Corporation
\$3.75 par common

First City Federal Savings and Loan Association (Florida)
\$.01 par common

Flagship Banks Inc.
\$1.00 par common

Florida Coast Banks, Inc.²
Series A, no par cumulative convertible preferred

Geophysical Systems Corporation²
\$1.00 par common

Hittman Corporation²
\$.10 par common

Instacom, Inc.
\$.01 par common

Intel Corporation²
7% convertible subordinated debentures

McRae Consolidated Oil & Gas, Inc.
\$.01 par common

Midlantic Banks Inc.
First Series, no par convertible preferred²
Second Series, no par convertible

² Removed for failing continued listing requirement.

preferred²

Navco Corporation
\$.25 par common

Northern National Corporation
\$5.00 par common

Pacific Resources, Inc.
No par common

Pandick Press, Inc.
\$.10 par common

Real Estate Investment Properties²
\$1.00 par shares of beneficial interest

Sega Enterprises, Inc.
\$1.00 par common

Spiral Metal Company, Inc.³
\$.01 par common

Sunlite Oil Company
\$1.00 par common

Sunrise Savings & Loan Association of Florida³
Warrants (expire 09-03-85)

Team, Inc.
\$.30 par common

Telerent Leasing Corporation
\$.50 par common

Tomlinson Oil Company, Inc.³
Warrants (expire 09/06/83)

Tull, J. M. Industries, Inc.
\$1.00 par common

Vanderbilt Energy Corporation
\$.10 par common

Vaughan-Jacklin Corporation, The
\$.10 par common

Voyager Group, Inc.
\$1.00 par common

Wisconsin Real Estate Investment Trust³
\$1.00 par shares of beneficial interest

NAME CHANGES AND REORGANIZATIONS

| From | To |
|---|---|
| Alaska Mutual Bank: \$1.00 par common. | Alaska Mutual Bancorporation: \$1.00 par common. |
| CGA Computer Associates, Inc.: \$10 par common. | CGA Computer, Inc.: \$10 par common. |
| California Federal Savings & Loan Association: \$1.00 par common. | Cal Fed, Inc.: \$1.00 par common. |
| Capital Energy Corporation: No par common. | Life Chemistry, Inc.: No par common. |
| Cervill Development Corp.: \$.01 par common. | Cervill Development Corp., Cervill Properties Inc. Paired certificates, \$.01 par common. |
| Dayton Malleable Inc.: No par common. | Arncast Industrial Corporation: No par common. |
| Food Lion, Inc.: \$.50 par common. | Food Lion, Inc.: Class A, \$.50 par common; Class B, \$.50 par common. |
| Godfather's Pizza, Inc.: \$.01 par common. | Diversifoods, Inc.: \$.01 par common. |
| Gulf Interstate Company: \$1.00 par common. | Gulf Applied Technologies, Inc.: \$1.00 par common. |
| Hechinger Company: \$.10 par common. | Hechinger Company: Class A, \$.10 par common; Class B, \$.10 par common. |
| Industrial Valley Bank and Trust Company: \$.50 par common. | IVB Financial Corporation: \$.50 par common. |
| MPSI Group Inc., The: \$.05 par common. | MPSI Systems, Inc.: \$.05 par common. |
| Matagorda Drilling and Exploration Company: \$.02 par common. | Stanley Well Service, Inc.: \$.02 par common. |

³ Removed for failing continued listing requirements.

NAME CHANGES AND REORGANIZATIONS—
Continued

| From | To |
|--|---|
| Preston Trucking Company, Inc.: \$1.00 par common. | Preston Corporation: \$1.00 par common. |
| Tennessee Natural Gas Lines, Inc.: \$1.00 par common. | Tennessee Natural Resources, Inc.: \$1.00 par common. |
| Virginia National Bankshares, Inc.: \$5.00 par common. | Sovran Financial Corporation: \$5.00 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)(18)), January 31, 1984.

William W. Wiles,
Secretary of the Board.

[FR Doc. 84-3474 Filed 2-6-84; 10:07 am]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE
COMMISSION

17 CFR Part 211

[Release No. SAB-56]

Staff Accounting Bulletin No. 56;
Disclosure Concerning Mandated
Reserves

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This Staff Accounting Bulletin expresses the staff's views concerning disclosures under the Federal securities laws about certain reserves mandated by the Federal banking agencies for purposes of the regulatory and supervisory functions of those agencies.

DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Michael P. McLaughlin, Office of the Chief Accountant (202-272-2130) or Howard P. Hodges, Jr., Division of Corporation Finance (202-272-2553), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

By the Commission.
George A. Fitzsimmons,
Secretary.
February 6, 1984.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 56 to the table found in Subpart B.

Staff Accounting Bulletin No. 56

The staff hereby adds Section I to Topic 11 of the Staff Accounting Bulletin Series. Section I discusses the staff's views concerning disclosures under the Federal securities laws about certain reserves mandated by the Federal banking agencies for purposes of the regulatory and supervisory functions of those agencies.

Topic 11: Miscellaneous Disclosures

I. Reporting of an Allocated Transfer
Risk Reserve in Filings Under the
Federal Securities Laws

Facts: The Comptroller of the Currency, Board of Governors of the Federal Reserve System and Federal Deposit Insurance Corporation jointly issued final rules, pursuant to the International Lending Supervision Act of 1983, requiring banking institutions to establish special reserves (Allocated Transfer Risk Reserve "ATRR") against the risks presented in certain international assets when the Federal banking agencies determine that such reserves are necessary. The rules provide that the ATRR is to be accounted for separately from the General Allowances for Possible Loan Losses, and shall not be included in the banking institution's capital or surplus. The rules also provide that no ATRR provisions are required if the banking institution writes down the assets in the requisite amount.

Question: How should the ATRR be reported in filings under the Federal Securities Laws?

Interpretive Response: It is the staff's understanding that the three banking agencies believe that those bank holding companies that have not written down the designated assets by the requisite amount and, therefore, are required to establish an ATRR should disclose the amount of the ATRR. The staff believes that such disclosure should be part of the discussion of Loan Loss Experience, Item IV of Guide 3, Part A under Item IV calls for an analysis of loss experience in the form of a reconciliation of the allowance for loan losses, and the staff believes that it would be appropriate to

show and discuss separately the ATRR in the context of that reconciliation.

Registrants should recognize that the amount provided as an ATRR, or the write off of the requisite amount, represents the identification of an amount which those regulatory agencies have determined should not be included as a part of the institution's capital or surplus for purposes of administration of the regulatory and supervisory functions of those agencies. In this context, the staff believes that disclosure of the ATRR, as part of the footnote required to be presented in a registrant's financial statements by Item 7(d) of Rule 9-03 of Regulation S-X, may provide a more complete explanation of charge offs and provisions for loan losses. It should be noted, however, that the ATRR amount to be excluded from the institution's capital and surplus does not address the more general issue of the adequacy of allowances for any particular bank holding company's loans. It is still the responsibility of each registrant to determine whether generally accepted accounting principles require an additional provision for losses in excess of the amount required to be included in an ATRR (or the requisite amount written off).

[FR Doc. 84-3613 Filed 2-8-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Part 35

[Docket Nos. RM83-62 -001 and -002]

Treatment of Purchased Power in the
Fuel Cost Adjustment Clause for
Electric Utilities; Order Granting
Rehearing for Purposes of Further
Consideration

Issued: February 6, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for purposes of further consideration.

SUMMARY: On December 7, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 352 (48 FR 55429, December 13, 1983), a final rule amending § 35.14 of the Commission's regulations. The amended regulations broaden the treatment of purchased power expenses in the fuel cost adjustment clause used by electric utilities in jurisdictional rate schedules. On January 6, 1984, applications for

rehearing of Order 352 were filed by Wholesale Customers and by Public Systems. In addition, Public Systems also moved for clarification of certain aspects of the rule.

In order to have sufficient time to consider the applications, the Commission grants rehearing solely for purposes of further consideration.

FOR FURTHER INFORMATION CONTACT: Wilbur C. Earley (202) 357-8158 or Robert S. Angyal (202) 357-8228.

SUPPLEMENTARY INFORMATION:

On December 7, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 352 (48 FR 55429, December 13, 1983), a final rule amending § 35.14 of the Commission's regulations. The amended regulations broaden the treatment of purchased power expenses in the fuel cost adjustment clause used by electric utilities in jurisdictional rate schedules. On January 6, 1984, applications for rehearing of Order 352 were filed by Wholesale Customers and by Public Systems. In addition, Public Systems also moved for clarification of certain aspects of the rule.

In order to have sufficient time to consider the applications, the Commission grants rehearing solely for purposes of further consideration.

The Commission orders:

The applications for rehearing filed by the above-named groups are granted solely for purposes of further consideration. This action does not constitute a grant or denial of the applications on the merits in whole or in part. As provided in § 385.713(d) of the Commission's regulations, no answers to the applications will be entertained by the Commission because this order does not grant rehearing on any substantive issues.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-3565 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-202; Texas-37; Order No. 358]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by

section 107(c)(5) of the National Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Lower Vicksburg (P through S) Sandstone located in Hidalgo County, Texas be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective March 7, 1984.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357-8571, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: February 6, 1984.

The Commission hereby amends § 271.703(d) of its regulations (18 CFR 271.703(d) (1983)) to include the Lower Vicksburg (P through S) Sandstone as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued June 24, 1983 (48 FR 29880, June 29, 1983)¹ based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Lower Vicksburg (P through S) Sandstone, located in Hidalgo County, Texas be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Lower Vicksburg (P through S) Sandstone, located in Hidalgo County, Texas meets the guidelines contained in § 271.703(c)(2).² The Commission adopts the Texas recommendation.

¹ Comments on the proposed rule were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

² The calculations for permeability and flow rates submitted by Texas are based on median values, rather than average values. However, using the data submitted by Texas in support of its recommendation, the Commission has determined

This amendment shall become effective March 7, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter, I, Code of Federal Regulations, is amended as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(159) to read as follows:

§ 271.703 Tight formations.

(d) Designated tight formations. * * *
(159) *Lower Vicksburg (P through S) Sandstone in Texas.* RM 79-76-202 (Texas-37).

(i) *Delineation of formation.* The Lower Vicksburg (P through S) Sandstone is located in Hidalgo County, Texas, Railroad Commission District 4, approximately seven miles east of the city of La Reforma and includes approximately 16,000 acres in the north part of the "Santa Anita" Manuel Gomez A-63 Grant.

(ii) *Depth.* The top of the Lower Vicksburg (P through S) Sandstone is the top of the "P" sand which occurs at an average depth of about 10,600 feet in the western portion of the designated area. In the east, the "P" sand is found at a depth of about 12,000 feet. The top of the lowermost section of the designated sandstone, the "S" sand, occurs at an average depth of about 13,500 feet in the west. In the east, the "S" sand is found at a depth of about 13,000 feet. Total thickness is approximately 4,000 feet.

[FR Doc. 84-3563 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

that the arithmetic average values for permeability and flow rates for the subject formation satisfy the Commission's guidelines in § 271.703(c)(2).

18 CFR Part 271

[Docket No. RM79-76-162; Texas-31; Order No. 359]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation located in Live Oak County, Texas be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective March 7, 1984.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357-8571, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: February 6, 1984.

The Commission hereby amends § 271.703(d) of its regulations (18 CFR 271.703(d)) (1983) to include the Upper Wilcox (Mackhank) (First Tom Lyne) Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued January 24, 1983 (48 FR 4001, January 28, 1983)¹ based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation located in Live Oak County, Texas be designated as a tight formation.

Evidence submitted by Texas² supports the assertion that the Upper

Wilcox (Mackhank) (First Tom Lyne) Formation located in Live Oak County, Texas meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective March 7, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(158) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* * * *
(158) *Upper Wilcox (Mackhank) (First Tom Lyne) Formation in Texas.* RM79-76-162 (Texas-31).

(i) *Delineation of formation.* The Upper Wilcox (Mackhank) (First Tom Lyne) Formation is located in the southwestern portion of Live Oak County, Texas, Railroad Commission District 2, approximately five miles east of the townsite of Clegg, Texas, and consists of the following surveys: A. B. & M. 167 A-47, and 173 A-50, B. S. & F. 301 A-741, 29 A-132, 251 A-113, 253 A-114, 255 A-115, 257 A-116, 259 A-117, 177 A-92, 261 A-118, 181 A-94, 263 A-19, 265 A-120, 175 A-81, and 179 A-93, F. L. Beall 178 A-823, R. H. Brown 526 A-734, and 525 A-732, R. F. Byler 530 A-999, T. J. Davis 32 A-567, A. A. Dinn 182 A-941, 82 A-940, and 90 A-939, James Dinn 296 A-942, J. A. Dowdy 298 A-944, and 266 A-919, C. R. Evans 36 A-969, and 176 A-945, G. H. & RR. 1 A-198, G. M. & D. 4 A-214, F. E. Goodwin 2 A-640, H & G. N. RR. 45 A-249, and 47 A-248, D. Harris 7 A-235, J. A. Harrymans 174 A-922,

which petitioned Texas for the tight sand designation. In these letters, the applicant deleted certain acreage from the original petition filed with Texas. Accordingly, the aforementioned acreage was deleted from Texas' recommendation.

Hooper & Wade 303 A-251, James Latham 3 A-275, R. McCampbell 262 A-929, 96 A-928, 94 A-927, and 50 A-926, Jno. McClane 48 A-765, L. A. McIntosh 31 A-542, J. Poitevent 95 A-378, 93 A-377, 49 A-350, 35 A-347, 31 A-363, 29 A-359, 95 A-1084, 91 A-376, and 89 A-375, Joe Russell 36 A-932, S. K. & K. 297 A-515, Pat Sheeran 254 A-783, O. B. & E. E. Shipp 92 A-811, J. M. Torres 62 A-884, O. Torres 60 A-882, Pedro Torres 61 A-883, 264 A-1023 and A-1083, and 50 A-1036 and A-926, W. Tullos 3 A-1037, G. I. Vanmeter 168 A-848, and 46 A-847, Geo. W. West 408 A-794, and 260 A-818, Ike West 3 A-822, Isaac West 258 A-819, and 186 A-820, Jacob White 174 A-955, O. P. Williams 6 A-487, W. Williams 67 A-908, and Jessie Wilson 2 A-995.

(ii) *Depth.* The average depth to the top of the Upper Wilcox (Mackhank) (First Tom Lyne) Formation is approximately 14,000 feet and the thickness is between 300 feet and 400 feet.

[FR Doc. 84-3564 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 290

[Docket Nos. RM83-9-000 and RM83-9-001]

Exemption From, and Revisions to, Procedures Governing Collection and Reporting of Information Concerning Cost of Providing Retail Electric Service

February 6, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on Reconsideration.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is making technical corrections to Order No. 353 in which it exempted utilities that had shown that gathering the information required under 18 CFR Part 290 was not likely to carry out the purposes of section 133 of the Public Utility Regulatory Policies Act (PURPA). Section 290.101 of the Commission's regulations exempts those utilities that are specifically listed in Appendix A. The Commission received a petition for reconsideration from Puget Sound Power and Light Company requesting exemption based on the comments they had filed prior to the final rule. The order amends Appendix A of Order No. 353 to add the petitioner and other utilities that had qualified for the exemption but that had been unintentionally omitted from the list. These omissions were technical

¹ Comments on the proposed rule were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

² By letter filed with the Commission on October 3, 1983, Texas forwarded letters from the applicant

oversights. Additionally, the order makes a typographical correction in § 290.101 to change an "and" to an "or" where the Commission intended the use of a disjunctive and not a conjunctive

EFFECTIVE DATE: February 6, 1984.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stosser, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426 (202) 357-8033.

Daniel G. Lewis, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., 307-RB, Washington, D.C. 20426 (202) 376-9227.

SUPPLEMENTARY INFORMATION:

On December 22, 1983, the Federal Energy Regulatory Commission (Commission) received a Petition for Reconsideration of Order No. 353¹ from Puget Sound Power and Light Company (Puget), Docket No. RM83-9-001. In Order No. 353, the Commission exempted utilities that had shown that gathering the information required in 18 CFR Part 290 of the Commission's regulations was not likely to carry out the purposes of section 133 of the Public Utility Regulatory Policies Act (PURPA).² In response to the petition, this order amends Appendix A of Order No. 353 and adds Puget to the list exempting utilities. In addition, this order also adds to Appendix A three other utilities that have been unintentionally omitted and corrects a typographical error in the regulation.

I. Typographical Error

Newly amended § 290.101(b) of the Commission's regulations exempts from compliance with Part 290 any utility listed in Appendix A (paragraph (b)(1)) or that have total sales of electric energy for purposes other than resale of less than 2 billion kilowatt-hours per year. The Commission intended that these classes of exempted utilities be presented in the alternative, that is, in the disjunctive, not the conjunctive. It intended to exempt a utility that met either of the criteria. Therefore, it is amending the regulation and is replacing the word "and" with the word "or."

II. Appendix A

In Order No. 353, the Commission exempted all utilities and classes of utilities that showed, in accordance with

the statute, that gathering the required information was not likely to carry out the purposes of section 133 of PURPA. In order to qualify for an exemption, a utility had to show that PURPA section 133 information was not needed for consideration of the rate standards and policies under Title I of PURPA and that the state regulatory authority or the governing authority of a nonregulated utility seldom or never used, and therefore did not need, the section 133 information in retail rate proceedings. Furthermore, an exemption must be based on a clear indication that the costs of gathering and reporting under PURPA section 133 exceeded the benefit that a state regulatory authority or the public would derive from the data. This list of utilities that made a sufficient showing is contained in Appendix A to Part 290.

On March 31, 1983, Puget filed comments in response to the Notice of Proposed Rulemaking in this docket. In those comments, Puget supplied data on the usefulness of the PURPA section 133 data that it filed which was sufficient to constitute a showing that the company should be exempt from compliance with Part 290. However, the pleading on its face indicated no request to obtain an exemption. Because not all utilities that commented on the proposed rule described were exempted, the Commission did not act at that time to exempt Puget.

In its Petition for Reconsideration, however, Puget makes clear that it requests an exemption from all requirements of Part 290. Therefore, the Commission is amending Appendix A to add Puget.

In addition, the Commission notes that in compiling the lists for Appendix A it failed to include three utilities that had applied and qualified for exemption, and that had expressly requested it. The Commission is therefore rectifying this error of omission by adding Central Hudson Gas and Electric Corporation, Commonwealth Electric Company, Iowa Power and Light Company, Northern Indiana Public Service Company, and Public Utility District of Grant County (Washington) to Appendix A as an indication that the Commission has also found that those utilities are entitled to exemption and have made a sufficient showing under PURPA section 133(b).

The Commission believes that further notice and comment is not necessary under Section 553 of the Administrative Procedure Act (5 U.S.C. § 553 (1982)) because this is a technical change to correct unintentional errors and omissions. For this reason, this order is effective immediately upon issuance.

List of Subjects in 18 CFR Part 290

Electric utilities, Penalties, Reporting requirements, Uniform Systems of Accounts.

In consideration of the foregoing, Part 290 of Chapter 1, Title 18 of the *Code of Federal Regulations*, is amended as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 290—[AMENDED]

1. The authority citation for Part 290 reads as follows:

Authority: Public Utility Regulatory Policies Act, Pub. L. 95-617, 92 Stat. 3117 (1978); Federal Power Act, 16 U.S.C. 791a-828c (1976 & Supp. V 1981); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (Supp. V 1981); Executive Order 12,009, 3 CFR 142 (1978).

§ 290.101 [Amended]

2. Section 290.101(b)(1) is amended by removing the word "and" at the end of that sentence and inserting instead the word "or."

3. The Appendix to Part 290 is amended by adding in the list entitled "Investor-Owned Utilities," in appropriate alphabetical order, the names "Central Hudson Gas and Electric Corporation," "Commonwealth Electric Company," "Iowa Power and Light Company," "Northern Indiana Public Service Company," and "Puget Sound Power and Light Company;" and in the list entitled "Publicly-Owned Utilities," in appropriate alphabetical order, the name "Public Utility District of Grant County (WA)."

[FR Doc. 84-3566 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Allergenic Extracts Panel; Termination

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the termination of the Panel on Review of Allergenic Extracts (the Panel) because the Panel has completed its work. This document removes the Panel from the agency's list of standing advisory committees.

EFFECTIVE DATE: February 9, 1984.

¹ Final Rule, "Exemption From, and Revisions to Procedures Governing Collection and Reporting of Information Concerning Cost of Providing Retail Electric Service," issued December 7, 1983, 48 FR 55438, Dec. 13, 1983.

² 16 U.S.C. 2601-2645 (1978).

FOR FURTHER INFORMATION CONTACT: Clay Sisk, National Center for Drugs and Biologics (HFN-6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

SUPPLEMENTARY INFORMATION: FDA announced the reestablishment of the Allergenic Extracts Panel on January 18, 1982 (Federal Register of March 2, 1982 (47 FR 8763)) to review and evaluate available data on the safety, effectiveness, and adequacy of labeling of biological products for the diagnosis, prevention, and treatment of allergies and allergic diseases. The Panel has submitted to the Commissioner of Food and Drugs its findings and recommendations on the safety, effectiveness, and labeling of these products. FDA will publish in a future issue of the Federal Register the Panel's findings and recommendations. Thus, the Panel is no longer needed, and on December 31, 1983, the charter for the Panel expired. Accordingly, FDA is announcing the termination of the Panel.

FDA advises that concurrent with its meetings as an efficacy review panel, the Panel also provided advice to FDA's National Center for Drugs and Biologics, Office of Biologics Research and Review, on other matters, such as the licensing of new products. FDA has received requests from numerous allergists that the agency establish a continuing advisory committee for allergenic extracts. While FDA believes that it is desirable to have an advisory committee to review the licensing of new extracts, new drug studies, and regulatory research conducted by the FDA staff, such a committee would have a structure, mission, and functions different from the original Panel. Therefore, as a separate action, FDA is in the process of requesting a new charter for a continuing Advisory Committee on Allergenic Products.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

§ 14.100 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.10), Part 14 is amended in § 14.100 *List of standing advisory committees* by removing and reserving paragraph (b)(1)(i).

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner of Food and Drugs

finds that there is good cause for the rule to be published without notice and comment and to be effective immediately upon publication in the Federal Register, February 9, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 31, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-3477 Filed 2-8-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 811 and 883

[Docket No. N-84-1142; FR-1662]

Tax-Exempt Construction Financing for Turnkey Public Housing Projects

AGENCY: Office of the Secretary, HUD.

ACTION: Rule-related notice; statement of HUD policy.

SUMMARY: HUD is giving notice of a modification of its policy concerning tax-exempt construction financing for development of turnkey public housing projects as it applies to State housing finance agencies.

EFFECTIVE DATE: February 9, 1984.

FOR FURTHER INFORMATION CONTACT: Raymond W. Hamilton, Director, Public Housing Development Division, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410; (202) 426-0938. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 21, 1983, HUD published a Notice in the Federal Register (48 FR 11775) announcing its policy concerning tax-exempt construction financing for development of turnkey public housing projects. The requirements in that Notice were made applicable to all agencies, including State housing finance agencies. After publication of the Notice, numerous State agencies filed objections with HUD. The agencies claimed that their function as finance agencies, using tax-exempt authority under Section 103 of the Internal Revenue Code (the Code) for Section 8 projects, is independent of detailed HUD review. The agencies argued that the HUD policies set forth in the Notice were, as applied to State agencies, unnecessary and overly burdensome. They pointed out that the policies were intended to govern individual public housing agencies (PHAs) issuing obligations for an individual project. Since the State agencies did not issue obligations for individual projects, the

agencies urged that many of the requirements caused them an undue hardship.

HUD has determined that these arguments have merit and is modifying the procedures applicable to State agencies issuing obligations under Section 103 of the Code. (These procedures are set out in part II of this Notice.) Most of the material contained in HUD's March 21, 1983 Notice is included in part I of this Notice and remains HUD's policy. However, for purposes of clarity, this Notice supersedes the March 21, 1983 Notice.

I. Information and Commitments to be Submitted to the Field Office by a PHA (or by an agency or instrumentality PHA)

The PHA (or agency or instrumentality PHA as defined in 24 CFR 811.102(b)) proposing to provide tax-exempt construction financing to the turnkey developer shall submit the following information to the Field Office for review. The submission must be made in sufficient time to allow review and approval by the Field Office before execution of the Contract of Sale.

a. A request from the PHA that the tax-exempt financing be approved by HUD.

b. Depending upon the source of tax-exemption, paragraph (1) or (2) below is applicable:

(1) If a PHA is issuing obligations under Section 11(b) of the U.S. Housing Act of 1937 (Act), an opinion of counsel for the PHA that it has the legal authority to provide tax-exempt construction financing and may do so in accordance with State law. If the submission is by an agency or instrumentality PHA, evidence of compliance with the requirements set forth in 24 CFR 811.105.

(2) If the issuance is under Section 103 of the Code, an opinion of bond counsel that the issuance will be in compliance with all requirements of Federal law and regulations.

c. A copy of the proposed construction loan documents, including the trust indenture and related documents, and any agreements between the developer, the issuer, trustee and lender.

d. A statement identifying the amount for the construction financing costs to be included in the Contract of Sale price and an itemization of all amounts to be paid to the lender underwriter and other parties, whether as interest, discounts or fees. (These information collection requirements have been approved by the Office of Management and Budget under OMB control number 2502-0248).

Field Office Review

In addition to the normal turnkey review discussed in Handbooks 7417.1 or 7417.1 REV-1, as applicable, the Field Office shall review the documents outlined above and ensure that the following requirements are met:

a. Neither the PHA nor the agency or instrumentality PHA shall assume any liability in connection with the tax-exempt obligations other than the obligation to acquire the completed project pursuant to the turnkey Contract of Sale.

b. The entity issuing the tax-exempt obligations shall not receive any compensation in connection with the construction financing, except for HUD-approved expenses.

c. The maturity date of the tax-exempt obligations shall not unreasonably exceed the anticipated construction period incorporated in the turnkey Contract of Sale and the period of tax-exemption shall be explicitly limited to this period.

d. The turnkey developer's price shall reflect the cost savings to be realized by using tax-exempt construction financing.

e. The amount of the tax-exempt obligations shall not exceed the total developer's price as stated in the turnkey Contract of Sale.

f. Any income realized from investment of the tax-exempt funds before they are advanced to the developer must accrue to the PHA or the agency or instrumentality PHA to be used as a donation to reduce the total development cost of the project. This income should be invested to earn interest in time deposits that are federally insured, in Treasury securities, in securities issued by a Federal agency or federally sponsored agency, or in certificates of deposit that are fully secured by a pledge of securities similar to those listed above.

g. The interest rate proposed must be reasonable; the current ceiling for obligations issued under 24 CFR Part 811 Subpart A should be used as a guide in determining reasonable construction interest rates. The expenses of issuing the obligations and the financing costs must be reasonable and necessary for the issuance and servicing of the obligations. Tax-exempt financing should not be approved unless the interest and financing costs of the tax-exempt issuance are significantly less than non-tax-exempt construction financing.

Field Office Notification of Approval

If the Field Office approves the use of tax-exempt construction financing, notifications to the PHA or the agency

or instrumentality PHA and to the developer shall be prepared by the Chief Counsel for the signature of the Field Office Manager. The notification shall indicate the following:

a. Identification of the project number and the tax-exempt obligations.

b. The total amount of the tax-exempt obligations, including the specific amounts included for interest on the obligations and for all financing costs.

c. If the tax-exemption is under Section 11(b) of the Act, a statement that HUD has approved the obligations in accordance with that section.

d. A statement that the issuance is approved under Section 422 of the Annual Contributions Contract.

e. A statement that before settlement under the Contract of Sale, the PHA or the agency or instrumentality PHA and trustee or lender must submit to the Field Office a report of all advances made in connection with the construction of the project (separately identifying interest payments and all discounts, fees and expenses paid) and a statement as to the amount of investment income realized from the tax-exempt funds before each advance to the developer.

Applicability of this policy

The policy set out in part I of this Notice is applicable to tax-exempt construction financing provided by a PHA or an agency or instrumentality PHA for any turnkey project for which the executed Contract of Sale is approved by HUD after the effective date of this Notice.

Information Collection requirements contained in this Notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2502-0248.

II. Information and Commitments to be Submitted to the Field Office by a State Housing Financing Agency

Any State housing finance agency approved by HUD under 24 CFR Part 883 which proposes to provide tax-exempt construction financing to a turnkey developer under Section 103 of the Code shall submit the following information to the Field Office for review. The submission must be made in sufficient time to allow review by the Field Office before approval of the Contract of Sale.

a. A statement identifying the issuer as a State housing finance agency approved under 24 CFR Part 883 and stating that the source of tax exemption will be Section 103 of the Code (or the Federal Relations Act for Puerto Rico, where applicable).

b. A statement of the interest rate committed to by the construction lender to be charged on the developer's loan during construction, and a statement by the State agency, concurred in by the developer, that, if there is a later reduction in this rate, the agency will disclose to the Field Office the actual rate charged and that the Contract of Sale price will be reduced before settlement to reflect the reduced rate.

c. A certification by the agency, and by any financial institution which lends tax-exempt proceeds under a loan-to-lender or other arrangement, that no kickback, rebate or other compensation has been paid or will be paid to the developer from any source, including investment income resulting from the tax-exempt issue.

(These information collection requirements have been submitted for approval by the Office of Management and Budget.)

Field Office Notification of Approval

If the Field Office receives all statements required by this Notice and has no substantial reason to question them, the Field Office will notify the State agency that the financing is approved and will approve the Contract of Sale. If the interest rate to be charged the developer is reduced, the State agency shall notify the Field Office, and the Contract of Sale price will be reduced at settlement to reflect the reduced rate.

Applicability of This Policy

The policy set out in part II of this Notice is applicable to tax-exempt construction financing provided by a State housing finance agency under Section 103 of the Code for any turnkey project for which the executed Contract of Sale is approved by HUD after the effective date of this notice.

Other Matters

Information collection requirements contained in part II of this Notice have been submitted for approval by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 and are not effective until notice of approval is published.

Authority: Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: February 1, 1984.

Samuel R. Pierce, Jr.,
Secretary.

[FR Doc. 84-3513 Filed 2-8-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 84-02]

Drawbridge Operation Regulations; West Palm Beach Canal, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: This amendment revokes the regulations for the Olive Avenue drawbridge, mile 0.4, because the bridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: This rule becomes effective on March 12, 1984.

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

Drafting Information: The drafters of this rule are Bridge Administration Specialist Mr. Walter Paskowsky, project officer, and Lieutenant Commander K. E. Gray, project attorney.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered to be a major rule under Executive Order 12291. Furthermore, it has been found to be non-significant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5/2/80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

§ 117.441a [Removed]

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revoking and removing § 117.441a.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 26, 1984.

A. D. Breed,
Captain, U.S. Coast Guard District,
Commander, Acting.

[FR Doc. 84-3519 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Mail Security; Customs Service; Narcotics and Dangerous Drugs

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service adopts its proposal to amend its mail security regulations to permit inspectors to reopen an inbound sealed mail article which is known through a reliable field test or laboratory examination to contain illegal narcotics or dangerous drugs, and which is to be delivered to the addressee under circumstances reasonably calculated to determine whether the addressee or someone else has guilty knowledge of the illegal contents. This action is taken in response to a recent Supreme Court decision and in aid of a national program to curtail the availability of illegal narcotics and dangerous drugs.

EFFECTIVE DATE: March 10, 1984.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun at (202) 245-4620.

SUPPLEMENTARY INFORMATION: A detailed explanation of the nature of the proposal and the reasons for its proposed adoption accompanied its publication in the *Federal Register* on December 21, 1983 (48 FR 56405). One comment concerning the proposal was received, and it supported the proposal. Accordingly, the Postal Service hereby adopts, without change, the following amendments of the Domestic Mail Manual which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

115 Mail Security

Amend part 115 by adding new paragraphs 115.21e and 115.91e as follows:

115.2 Opening, Reading, and Searching of Sealed Mail Generally Prohibited

.21 General. In general, no person may open, read, search, or divulge the contents of mail sealed against inspection, even though such mail may

be believed to contain criminal or otherwise nonmailable matter or evidence of the commission of a crime. The only exceptions to this general rule are:

* * * * *

e. A postal inspector, acting in accordance with 115.91e.

* * * * *

115.9 Mail Security, Law Enforcement, and Other Government Agencies.

* * * * *

.91 Customs Service.

* * * * *

e. *Controlled Delivery of Drugs in Sealed Mail.* When a postal inspector decides, upon the request of a federal, military, state, or local narcotics agent, to make a controlled postal delivery of a sealed mail article which the Customs Service has opened in accordance with 115.91, and which the Customs Service has determined through a reliable field test or reliable laboratory examination to contain illegal narcotics or dangerous drugs, the postal inspector may reopen the article without a search warrant. The inspector may reopen the article without a warrant only for the purpose of preparing the article for such a controlled delivery in such way or ways as will lawfully and reasonably aid in the investigation of the crime of importing such substances through the mails. No correspondence inside such an article may be read or divulged without a search warrant as described in 115.6.

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

(39 U.S.C. 401(2), 401(10), 404(a)(1), 404(a)(7), 3623(d))

W. Allen Sanders,
Associate General Counsel, General Law & Administration.

[FR Doc. 84-3558 Filed 2-8-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[WH-FRL 2523-6]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today establishes a temporary ocean dumping site in the Gulf of Mexico for the one-time disposal of a damaged platform jacket. This action is necessary to provide a location for the disposal of this jacket since it is currently a hazard to navigation and Department of Interior regulations require that it must eventually be removed. Delay in removal will increase the hazards of disposal because of continued corrosion.

DATE: This site designation shall become effective on March 12, 1984.

ADDRESSES: The material supporting this designation and the letters of comment are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU); Room 2904 (rear), 401 M Street Southwest, Washington, DC.

EPA Region VI, Water Management Division, 1201 Elm Street, Dallas, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. Section 228.4(b) provides that the Administrator may designate specific locations for temporary use for disposal of small amounts of materials under a special permit without the need of disposal site designation studies when such materials satisfy the Criteria in 40 CFR Part 227 and the Administrator determines that the quantities to be disposed of at the site will not result in significant impact on the environment. Such designations will be done by promulgation in this Part 228 and will be for a specified period of time and for specified quantities of materials. The designation of a site is not sufficient to authorize dumping at that site; a permit must also be issued in accordance with the regulations.

EPA Region VI has received a completed application from Chevron U.S.A. Inc. for a special permit to transport a damaged platform jacket

from its present location, approximately 80 miles offshore south of Atchafalaya Bay, Louisiana, to another location approximately 44 miles southeast of the present location. The proposed site, which was recommended by the Department of the Interior, Minerals Management Service, is approximately 101 miles off the Louisiana coast in approximately 600 fathoms of water with coordinates as follows:

27d 39'44.665" N, 91d 10'03.059" W; 27d 39' 42.304" N, 91d 07'06.927" W; 27d 37'05.471" N, 91d 07'09.610" W; 27d 37'07.828" N, 91d 10'05.672" W.

The site is a square area, three statute miles on the side.

The platform jacket which Chevron wishes to dispose of was installed during July 1980, and was heavily damaged by collision with a tanker on August 21, 1980. After a thorough review of the damage to the jacket, Chevron concluded that it would not be practical to repair or safe to use. The insurance underwriters concurred with this assessment and declared the jacket a total loss. There is currently no approved EPA ocean dumping site in the Gulf of Mexico for dumping of this type of material.

The jacket consists of approximately 4,780 tons of fabricated structural steel pipe in a truncated pyramid shape approximately 325 feet high with a rectangular base 214 feet by 137 feet and a top 150 feet by 45 feet. Chevron proposes to sever the jacket legs below the Gulf bottom, raise the jacket in one piece and attach it to flotation barges. The barges will be towed to the disposal site where the jacket will be cut loose and allowed to sink.

On August 5, 1983, EPA proposed designation of this site in the **Federal Register**, 48 FR 35673. The proposed rulemaking contained detailed information regarding the site and the circumstances surrounding the request to dispose of the damaged platform jacket at the site. The comment period on this proposed rulemaking closed on September 19, 1983.

Two letters of comment were received in response to the proposed rule. One commenter did not object to the proposed designation, but questioned whether the proposed site would be appropriate for disposal of additional platform jackets, since the site is within one Outer Continental Shelf (OCS) block of recently granted leases and could possibly be included in a future lease sale. EPA is designating this site for the one-time disposal of the damaged platform jacket and does not contemplate that additional platforms or

parts of platforms would be dumped there in the future.

This commenter also recommended that a simplified procedure for permitting ocean dumping of platforms be developed and that a permanent dump site in a deepwater OCS area not subject to oil and gas operations should be designated for unneeded platforms. EPA is considering amending its general permit for the disposal of vessels to include the disposal of platform jackets or parts of platforms. At that time the Agency would stipulate depth, distance from shore, and other requirements to be placed on any such disposal.

The Mineral Management Service of the Department of the Interior did not object to the designation of the site for the emergency disposal of the damaged structure but pointed out its policy to encourage the conversion of selected obsolete oil and gas structures into artificial reefs. EPA is aware of this policy and also encourages conversions of this type in appropriate circumstances. However, in this particular case, the location available for this use in a fishery enhancement program would require a towing distance of 300 miles, substantially increasing the risks involved in moving such a large structure.

EPA Region VI has determined that the material to be dumped satisfies the Criteria of Part 227 and published a public notice of tentative determination to issue a special permit on March 5, 1983. The public notice and a fact sheet explaining the basis for the determination are available for inspection at the addresses listed above. No comments or requests for a public hearing were received in response to the public notice, and EPA Region VI intends to issue a special permit for this disposal effective at the time the site designation becomes effective.

This site designation is made in accordance with section 228.4(b) of the Ocean Dumping Regulations, which permits the designation of ocean disposal sites for temporary use without disposal site designation studies for small amounts of materials which meet the Criteria of Part 227. Chevron has prepared a special report in support of its ocean dumping application which addresses general and specific site selection criteria. EPA has reviewed this report and agrees with its conclusions, which were summarized in the proposed site designation. For a more complete discussion of the ocean dumping site selection criteria considered, interested persons should examine the Chevron Special Report for Ocean Dumping Application No. 82OD001 which is

available for inspection at the addresses listed above.

From the available data, EPA has determined that the disposal of the jacket at the proposed site will not adversely affect the environment of the Gulf. No impact is anticipated on commercial or recreational fishing, commercial shipping, or any other legitimate marine interest. Disposal of the damaged jacket at the proposed site is the least hazardous of the alternatives considered.

This temporary site designation is being published as final rulemaking in accordance with section 228.4(b) of the Criteria. Management authority of this site will be delegated to the Regional Administrator of EPA Region VI.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for this damaged platform jacket. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Authority: 33 U.S.C. 1412 and 1418.

Dated: February 2, 1984.

Jack E. Ravan,

Assistant Administrator for Water

PART 228—[AMENDED]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to § 228.12 a paragraph (b)(16) an ocean dumping site for Region VI as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

(b) * * *

(16) Gulf of Mexico Platform jacket site—Region VI.

Location: 27d 39'44.665" N, 91d 10'03.059" W; 27d 39'42.304" N, 91d 07'06.927" W; 27d 37'05.471" N, 91d 07'09.610" W; 27d 37'07.828" N, 91d 10'05.672" W.

Size: 3 statute miles on the side (9 square statute miles total area).

Depth: 600 fathoms.

Primary Use: One-time disposal of damaged platform jacket. Period of Use: Until the one-time dump of the damaged jacket is concluded; however, the period of use shall not exceed three years from the date of publication of this Notice.

[FR Doc. 84-3510 Filed 2-8-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 82-085]

Documentation of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the standards for determining when a vessel is considered "built in the United States" for purposes of documentation entitling a vessel to engage in the domestic trade. This change is being made because it is not necessary to determine the source of machinery and other components which are not an integral part of the hull or superstructure in order to determine whether a vessel is considered "built in the United States." As a result of this change, U.S. shipyards and vessel purchasers will have greater flexibility in selecting machinery and other components for vessels.

EFFECTIVE DATE: March 12, 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety, (202) 426-1492, or (202) 426-1493. Normal office hours are between 7 a.m. and 5 p.m. Monday through Friday, except holidays.

Drafting Information: The principal persons involved in drafting this rulemaking are Lieutenant Commander Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety; and Lieutenant Commander William B. Short (Project Attorney), Office of the Chief Counsel.

SUPPLEMENTARY INFORMATION: The regulations governing documentation of vessels, contained in Part 67 of Title 46, Code of Federal Regulations, were extensively revised in a final rule published on June 24, 1982. That rulemaking project was undertaken primarily to simplify documentation

procedures and was in implementation of the Vessel Documentation Act (Pub. L. 96-594). Comments received during the pendency of that rulemaking were critical of proposed § 67.09-3 which pertains to U.S. build determinations. That section reads:

A vessel is considered built in the United States if:

(a) All major components of its hull and superstructure are fabricated in the United States; and

(b) The vessel is assembled entirely in the United States; and

(c) At least fifty (50) percent of the cost of all machinery (including propulsion) and components which are not an integral part of the hull or superstructure relates to items procured in the United States.

(d) For the purposes of this section, United States includes American Samoa.

The comments received concerning that section before it became final said the words "procured," "components," and "superstructure" as used there were vague. Other commenters said the "fifty percent of cost rule" in paragraph (c) had no basis in law, conflicted with past agency practice, was more restrictive than industry practice, would present great difficulties in terms of proof where older vessels are involved, and would be ineffective due to practical problems relative to enforcement. One commenter also said the regulation constitutes a non-tariff customs barrier.

In the supplementary information published with the final rule on June 24, 1982, the Coast Guard recognized that the regulations were deficient in treating some of the issues raised by the comments, and stated that a further rulemaking to address those issues would be initiated. An Advanced Notice of Proposed Rulemaking (ANPRM) was published on October 14, 1982 (47 FR 45888) and the public was given until December 13, 1982 to comment. As a result of comments received in response to that ANPRM, a Notice of Proposed Rulemaking (NPRM) to delete paragraph (c) was published in the Federal Register on May 5, 1983 (48 FR 20249). The comment period for the NPRM ended on July 5, 1983 and analysis of all comments has been completed.

One late comment requested a public hearing. In view of the fact that this rule was subject to comments during the development of the Vessel Documentation regulations in 1981, the advance notice of proposed rulemaking in October-December 1982, and the NPRM in May-July 1983, the Coast Guard believes that holding a public hearing based on this single request is not warranted.

Discussion of Comments

Eighty relevant comments were placed in the official docket file during the NPRM comment period. These were added to the 28 comments filed in the same docket file in response to the ANPRM. Commenters included shipping companies, marine equipment manufacturers and suppliers, members of Congress, steel companies, trade associations, naval architects and engineers, fishing companies, shipbuilders, and others. In addition, 15 other relevant comments were placed in the docket file more than three weeks after the NPRM comment period had closed. These late comments were found to contain no significant information not covered by comments filed during the comment period. Although two-thirds of the comments opposed the proposal, the nature of the comments received and the variety of interests and organizations represented make numerical comparisons inappropriate. For example, 12 comments in opposition gave no reasons for their position.

Other commenters offered a variety of reasons for disagreeing with the proposal. The following were among the reasons mentioned by one or more commenters:

- a. Increased foreign competition.
- b. Deterioration of marine equipment supplier base.
- c. Difficulty obtaining spare parts or service on foreign items.
- d. Tariffs or trade barriers inadequate to protect suppliers.
- e. The spirit of nationalism dictates "Buy American."
- f. Congress intended to protect entire shipbuilding industry.
- g. All machinery is part of vessel.
- h. Other countries subsidize their products and refuse ours.
- i. Unemployment is high and will increase.
- j. Response to national emergencies/defense will suffer.
- k. Economy needs help with recovery.
- l. Balance of trade will be adversely affected.

The variety of responses indicated that many of the commenters misunderstood the application and effect of the rule and the proposed change.

Although 24 commenters opposing the proposal said they thought its adoption would increase foreign competition for manufacturers and suppliers of items used by shipbuilders, there was virtually no factual information presented in support of this position. As the discussion in our NPRM pointed out, the machinery and components rule has had little practical effect on shipbuilding

over the past several years and its elimination should have a negligible effect on manufacturers and suppliers. Related fears about deterioration of the marine equipment supplier base are unwarranted for the same reason. One commenter who supported the Coast Guard proposal pointed out that since 1978 its foreign company has supplied foreign-manufactured engines for some 24 vessels built in the United States. It went on to say that while the company was aware of the rule it had not yet prevented the company from supplying an engine for a vessel being built in the United States.

Concern about limited availability of spare parts or service is not a legitimate factor for consideration in deciding whether or not to adopt the proposed rule. A purchaser who is concerned about the matter may specify that machinery and components be manufactured in the United States. Parts and service availability can also be addressed in vessel construction contracts and there are companies in the United States capable of taking over the service responsibility or providing replacement parts for foreign items as required. One commenter opposed to the proposal said it has done that on a number of occasions.

While the Coast Guard appreciates the concern expressed by commenters who feel the practices of other countries, such as subsidizing manufacturers in their own country and refusing to purchase American marine products, are harmful to domestic suppliers and manufacturers of marine equipment, the resolution of that is completely outside the scope of our rulemaking. The same is true for concerns expressed about the adequacy or effectiveness of existing trade barriers and tariffs, or anticipated changes in our balance of trade.

Several commenters expressed concern about our ability to respond to national emergencies or meet national defense needs if the Coast Guard proposal is adopted. These comments were of two types. Some commenters based their objections on factors such as availability of spare parts and maintenance of suppliers for construction or operation of merchant vessels which might be needed for emergencies or national defense. For the reasons discussed in the two preceding paragraphs, the Coast Guard does not feel that these objections are a valid base for changing the proposal. Another group of commenters raised concerns about national defense or emergencies based on the mistaken belief, apparently gained from third party reports as to the contents of the NPRM, that the Coast Guard intends to permit purchases of its

vessels from foreign sources and allow the government to use tax revenues to purchase foreign goods. Those concerns are misplaced and are not valid justification for changing the proposal. This rulemaking has no effect on "Buy American" policies involved in the procurement of vessels by the government. It only affects the basis for deciding whether a vessel qualifies for use in certain domestic trades as a documented vessel. Since vessels of the Coast Guard are not used in domestic trades and are not documented, this rulemaking has no effect on procurement of Coast Guard vessels. The extent to which foreign materials are included in vessels of the armed forces is controlled by government procurement regulations, not by the vessel documentation regulations. Therefore, there is no reason to believe our defense capability or our ability to respond to national emergencies will be affected by the rule.

Some commenters disagreed with the discussion in the NPRM concerning the intent of Congress in using the phrase "built in the United States." They feel the phrase was meant to protect the entire shipbuilding industry, not just the shipyards. Some commenters also said the mood of Congress when it enacted the various laws pertaining to vessels qualifying for the domestic trade was "build and buy American." It is clear that use of the phrase "built in the United States" in the Vessel Documentation Act necessarily benefits shipyards in the United States. We note that when Congress has intended to extend "Buy American" benefits to manufacturers and suppliers it has done so explicitly. For example, Section 505 of the Merchant Marine Act, 1936 states in part "In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use, so far as practicable, only articles, materials, and supplies of the growth, production, or manufacture of the United States. . . ." However, that statute relates to construction of vessels for which federal funds are provided to the owner in the form of a construction differential subsidy and has no application to the subject of this rulemaking. As the NPRM pointed out, no statute specifically authorizes the use of a "Buy American" requirement in connection with the vessel documentation regulations, no statute requires it, and reasonable assurance that vessels qualified for domestic trades are the product of United States shipyards may be attained without use of such a provision. Under these circumstances the Coast Guard does not

agree that Congress meant us to impose a rule for the benefit of manufacturers or suppliers which is burdensome to the public at large.

A spirit of nationalism does not provide a basis for a "Buy American" rule not required or supported by the statutes. Neither does the present state of the economy or prevailing levels of unemployment justify a rule of that type. The Coast Guard has no reason to believe there is a significant cause and effect relationship between use of the machinery and components rule and the overall state of the economy or levels of unemployment.

Those commenting that all machinery must be considered part of the vessel were urging that a vessel should have 100% domestic content in order to be considered U.S. built. The Coast Guard has never applied this criterion. The shipbuilder has always been able to use foreign material in the hull and superstructure and has been free to install some foreign machinery and components. As discussed above, the concept of 100% American origin is not justified.

The commenters who supported the Coast Guard proposal did so mainly for the reasons discussed in the NPRM. That is, there is little or not legal basis for the machinery and components rule; the rule creates serious problems for those engaged in the fisheries; the proposed change is consistent with the intent of Congress as reflected in the Jones Act and other laws; and costs of domestic vessel construction as well as costs passed through to the public for shipping may be reduced by eliminating the rule. One commenter who agreed with the Coast Guard proposal to eliminate the rule felt it did not go far enough. The commenter suggested the single criterion for "built in the United States" should be that the vessel be "erected entirely in the United States." The Coast Guard is not willing to adopt that proposal. The commonly understood meanings of the words "erected" and "built" are so similar that a regulation substituting erected for built would provide no more guidance than the statute itself.

Although fewer comments were received in support of the Coast Guard proposal than in opposition to it, several of the comments supporting the proposal were from those speaking on behalf of many members of the shipping public, such as trade associations representing those engaged in the fisheries or domestic and international shipping operations, and shipowners.

Regulatory Evaluation

This regulation has been reviewed

under the provisions of Executive Order 12291 and determined not to be a major rule. It is considered non-significant within the guidelines of the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The economic impact of this final rule has been found to be so minimal that a full regulatory evaluation is unnecessary. That determination is based on the following circumstances:

When the new vessel documentation regulations were proposed in 1981 an effort was made to include various longstanding agency practices. The rule for machinery and components, § 67.09-3(c) as quoted above, was included on that basis. However, before the regulation was published in final form in June, 1982 it became apparent that paragraph (c), whatever its value or history as a "rule of thumb," would be impossible to implement as a regulation. Rather than change the final regulations, action to deal with § 67.09-3 was deferred to a subsequent rulemaking project and the public was so advised.

From the comments received before publication of the final vessel documentation regulations and in response to an ANPRM and NPRM dealing with this change, it is apparent that the existence of a fifty percent of cost policy relative to the machinery and components of a vessel, as a Coast Guard guideline or "rule of thumb" for U.S. build determinations, was not well-known either within the Coast Guard or the shipbuilding industry and was rarely used. Therefore, it is reasonable to conclude that this guideline had little effect on the construction of vessels to be documented for the domestic trades prior to its promulgation as a rule in June 1982. It is highly unlikely that that situation changed then, since the Coast Guard advised the public that § 67.09-3 would be subjected to further rulemaking action. No doubt affected parties have taken into account the likelihood that paragraph (c) might be removed. Thus, deletion of that paragraph should produce no more than a minimal impact on anyone. For the same reasons, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) that this rule would not have a significant impact on a substantial number of small entities.

List of Subjects in 46 CFR Part 67

Vessels, Documentation.

In consideration of the foregoing, 46 CFR Part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 is revised to read as follows:

Authority: 46 U.S.C. 12113, 12115, 12103, 12120, 12121; 65 Stat. 290 (31 U.S.C. 483a); 41 Stat. 1002, 80 Stat. 795 (46 U.S.C. 927); 41 Stat. 1006 (46 U.S.C. 983); 94 Stat. 978 (42 U.S.C. 9101).

2. Revise 46 CFR 67.09-3 to read as follows:

§ 67.09-3 United States built

A vessel is considered built in the United States if:

- (a) All major components of its hull and superstructure are fabricated in the United States; and
- (b) The vessel is assembled entirely in the United States.
- (c) For the purposes of this section, United States includes American Samoa.

Dated: December 23, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 84-3518 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Parts 111 and 151

[CGD 82-096]

Unmanned Barges Carrying Certain Dangerous Bulk Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: In the interest of safety, the Coast Guard reviews all chemicals proposed for bulk shipment by water. All cargoes classified as dangerous are regulated. Safety requirements for such cargoes are continuously reviewed in the light of new developments. This final rule corrects and adds electrical hazard class and group ratings to regulated cargoes, corrects editorial errors, and modifies the provisions of Subchapter J, Electrical Engineering Regulations, to include barges carrying inorganic acids.

EFFECTIVE DATE: March 12, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph J. Jakabcin, G-MTH-3, Room 1208, U.S. Coast Guard Headquarters, Washington, D.C. 20593. Telephone 202-426-6262.

SUPPLEMENTARY INFORMATION: On April 14, 1983 (48 FR 16083), the Coast Guard published a notice of proposed rulemaking. Comments were invited for a period of 45 days ending on May 31, 1983. A public hearing was to be scheduled if requested by anyone

raising a genuine issue. No request for a public hearing was received and no comments on the proposed rulemaking were received.

Drafting Information

The principal persons involved in drafting this document are Mr. Joseph J. Jakabcin, Office of Merchant Marine Safety, and Mr. Michael N. Mervin, Office of the Chief Counsel.

Regulatory Evaluation and Certification

This final rule is considered to be non-major under Executive Order 12291 and non-significant under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979).

The economic impact of this regulation has been found to be so minimal that further regulatory evaluation is unnecessary. The addition of the approximately 61 electrical hazard class and group ratings updates and codifies existing Coast Guard policies. About 1,080 barges are certified for the carriage of cargoes whose ratings are affected. We estimate that 90 percent of these existing barges carrying hazardous materials have no electrical equipment located in hazardous areas. This change, therefore, would have no effect on these barges. For these reasons, in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

46 CFR Part 111

Vessels.

46 CFR Part 151

Hazardous materials, Barges.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations as follows:

PART 111—ELECTRICAL SYSTEMS—GENERAL REQUIREMENTS

1. By revising § 111.105-9(c) to read as follows:

§ 111.105-9 Explosion-proof equipment.

(c) In a Group B atmosphere, if the cargo is an inorganic acid.

2. By revising the heading and paragraphs (a) (introductory text) and (1) (introductory text) of § 111.105-31 to read as follows:

§ 111.105-31 Flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F), liquid sulfur and inorganic acid carriers.

(a) *Applicability.* Each vessel that carries combustible or flammable cargo with a closed-cup flashpoint lower than 60 degrees C (140 degrees F) or liquid sulphur cargo, or inorganic acid cargo must meet the requirements of this section, except—

(1) *Weather locations.* A location in the weather, except on an inorganic acid carrier, must have only explosion-proof electrical equipment, purged and pressurized equipment, and through runs of armored or MI type cable if it is—

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

§ 151.05 [Amended]

3. By amending Table 151.05, Summary of Minimum Requirements column entries under "Cargo name", replacing the old cargo names with the new cargo names, to read as follows:

| Old | New |
|----------------------------|---------------------------|
| N-butyl acrylate | n-Butyl acrylate |
| Isobutyl acrylate | iso-Butyl acrylate |
| Butyraldehyde, (N) | n-Butyraldehyde |
| Carbon bisulfide | Carbide disulfide |
| 2-Ethyl, 3-Propyl Acrolein | 2-Ethyl-3-propyl acrolein |

4. By amending the Table 151.05 column entry under "Electrical hazard" to read "I-A" for "Carbon disulfide".

5. By amending the Table 151.05 column entry under "Electrical hazard" to read "I-B" for the following cargoes:

Chlorosulfonic acid
Hydrochloric acid
Hydrochloric acid, spent (15% or less)
Hydrofluoric acid
Hydrofluorsilicic acid (25% or less)
Hydrogen chloride
Hydrogen fluoride
Nitric acid (70% or less)
Oleum
Phosphoric acid
Sulfuric acid
Sulfuric acid, spent

6. By amending the Table 151.05 column entry under "Electrical hazard" to read "I-C" for the following cargoes:

Allyl alcohol
n-Butyraldehyde
iso-Butyraldehyde
Crotonaldehyde
Epichlorohydrin
2-Ethyl-3-propyl acrolein
Formaldehyde solution 37-50%
Furfural

Morpholine

7. By amending the Table 151.05 column entry under "Electrical hazard" to read "I-D" for the following cargoes:

Acetic acid
Acetic anhydride
Ammonium hydroxide, not to exceed 28% NH³
n-Butyl acrylate
iso-Butyl acrylate
Camphor oil (light)
Chlorobenzene
Chlorohydrins (crude)
Dichloropropane
Ethyl acrylate
Ethyl chloride
Ethylene diamine
Ethylene dichloride
Formic acid
Isoprene
Methyl acrylate
Motorfuel antiknock compounds
Propionic acid
Vinylidene chloride inhibited

8. By amending the Table 151.05 column entry under "Electrical hazards" to read "NA" for the following cargoes:

Acetone cyanohydrin
Adiponitrile
Aminoethyl ethanolamine
Aniline
Carbolic oil
Carbon tetrachloride
Caustic potash solution
Caustic soda solution
Chlorine
Chloroform
Cresols
Dichlorodifluoromethane
Diethanolamine
Diethylenetriamine
Diisopropanolamine
Ethylene cyanohydrin
Monochlorodifluoromethane
Monoethanolamine
Monoisopropanolamine
Phenol
Phosphorus, elemental
Triethanolamine
Triethylene tetramine

9. By removing and reserving Footnote 1 to Table 151.05.

Footnotes:
1 [Reserved]

(46 U.S.C. 391a, 49 CFR 1.46(t))

Dated: January 11, 1984.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 84-3520 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-14-M

Proposed Rules

Federal Register

Vol. 49, No. 28

Thursday, February 9, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 112

Nondiscrimination in Federally Assisted Programs of SBA Effectuation of Title VI of the Civil Rights Act of 1964

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: In accordance with the requirements of 28 CFR 42.403(d) published by the Department of Justice on December 1, 1976, the Small Business Administration proposes to revise Appendix A of its listing of financial assistance programs. (The proposed rule published in the *Federal Register* (47 FR 21554) on May 19, 1982, is withdrawn.) However, in order to comply fully with the Department of Justice's guidelines, it is necessary to amend our definition of "financial assistance" to coincide with the definition which appears at 28 CFR 42.102(c), and to amend Appendix A by revising the listing of financial assistance programs and by adding a listing of nonfinancial assistance programs which are provided by the Agency.

DATE: Comments on this proposed rule must be received by March 12, 1984.

ADDRESSES: Send comments to: Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW., Room 501, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Adelino Sanchez, Chief, (202) 653-6054.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964 ("Act") provides that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Small Business Administration. This part 112 of Title 13 of the Code of Federal Regulations effectuates such provision. Section

42.102(c) of Title 28 of the Code of Federal Regulations, a subsection of the Department of Justice Title VI implementation regulation, states that the term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. This proposed rule would adopt the definition of Federal financial assistance used in 28 CFR 42.102(c), by adding a new § 112.2(b). This definition will be consistent with that used by the Department of Justice and other agencies which enforce Title VI.

SBA hereby certifies that this rule, if promulgated in final form, will not constitute a major rule for the purposes of Executive Order 12291. In addition, for purposes of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities. The rule constitutes a non-substantive procedural change, and by its terms will not significantly affect the administration of any of SBA's financial assistance programs.

List of Subjects in 13 CFR Part 112

Civil rights, Small businesses.

PART 112—[AMENDED]

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 112, Chapter 1, Title 13 of the Code of Federal Regulations, is proposed to be amended as follows:

1. Paragraphs (b) and (c) of § 112.2 are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) would be added to read as follows:

§ 112.2 Application of this part.

(b) The term "Federal financial assistance" includes (1) grants and

loans of Federal funds, (2) the grants or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

2. Appendix A of Part 112 of Title 13 of the Code of Federal Regulations is revised to read as follows:

APPENDIX A

| Name of program | Authority |
|--|--|
| Regular business loans..... | Small Business Act, sec. 7(a) and 7(a) (11). |
| Handicapped Assistance loans. | Small Business Act, sec. 7(a) (10). |
| Small Business Energy Loans. | Small Business Act, sec. 7(a) (12). |
| Small General Contractors. | Small Business Act, sec. 7(a) (9). |
| Debtor State development company loans (501) and their small business concerns (No funds have been authorized for this program through FY 1984). | Small Business Investment Act Title V. |
| Debtor small business investment companies and their small business concerns. | Small Business Investment Act Title III. |
| Pollution Control..... | Small Business Investment Act Title IV, Part A. |
| Disaster Loans | |
| Physical..... | Small Business Act, sec. 7(b) (1). |
| Economic injury (EIDL)..... | Small Business Act, sec. 7(b) (2). |
| Federal Action Loan Program. | Small Business Act, sec. 7(b)(3) (No funds have been authorized for this program through FY 1984). |
| Nonfinancial Programs | |
| Women's Business Enterprise. | Executive Order 12138. |
| Small Business Innovation and Research. | Small Business Act, sec. 9. |
| Procurement Automated Source System. | Small Business Act, sec. 8 and Pub. L. 95-507, as amended by Pub. L. 96-481. |
| Business Development Program. | Small Business Act, sec. 8(a) and Pub. L. 95-507, as amended by Pub. L. 96-481. |
| Small Business Institute Program. | Small Business Act, sec. 8(b)(1) and Pub. L. 85-536. |
| Certificate of Competency.. | Small Business Act, sec. 8(b)(7) and Pub. L. 95-89. |
| Subcontracting Assistance Program. | Small Business Act, sec. 8(d) and Pub. L. 95-507. |
| Technology Assistance Program. | Small Business Act, sec. 9. |
| Small Business Development Centers. | Small Business Act, sec. 21 and Pub. L. 96-302. |

APPENDIX A—Continued

| Name of program | Authority |
|--|---|
| International Trade Program | Small Business Act, sec. 22 and Pub. L. 96-481. |
| Service Corps of Retired Executives and Active Corps of Executives | Small Business Act, secs. 101 and 8(b)(1) and Pub. L. 95-510. |
| Veterans Affairs Program | Public Law 93-237. |
| Private Sector Initiatives | Small Business Act, sec. 8(b)(1). |

FOR FURTHER INFORMATION CONTACT:

Hearing: Mr. Tom Hall, OSHA, Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-7178.

Proposal: Mr. James Foster, OSHA, Office of Information, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-8151.

SUPPLEMENTARY INFORMATION: On October 7, 1983, OSHA published (48 FR 45872) a proposed revision of its electrical safety standards for construction contained in 29 CFR Part 1926, Subpart K. Interested persons were given until November 21, 1983, to submit written comments on the proposal, to file objections, and to request a hearing. At the request of several parties, the comment period was extended to December 31, 1983 (48 FR 54652).

Public Hearing: OSHA has received 36 comments on the proposal, including requests for a hearing. In response to the objections raised and hearing requests received and in accordance with section 6(b)(3) of the Occupational Safety and Health Act and section 107 of the Construction Safety Act, OSHA has scheduled an informal public hearing to be held on April 10, 1984. The hearing is being held to examine the following issues raised in the requests for a hearing:

1. Existing electrical installations in general industry workplaces are required to comply with the provisions of 29 CFR Part 1910, Subpart S. Sometimes, construction activities, which are subject to the provisions of 29 CFR Part 1926, are performed at these existing facilities. Under the existing Part 1910 and Part 1926 regulations, the possibility that Subpart K of Part 1926 would be applied to the permanent wiring of the facility has resulted in some confusion. A hearing request raised the issue of whether OSHA should modify the application of Subpart K to cover existing facilities where construction activities are being performed.

2. The existing and the proposed Subpart K apply only to installations providing power and light for the construction jobsite. Installations which provide for the transmission and distribution of electricity are covered by Subpart V rather than Subpart K. (See existing § 1926.400(b) and proposed § 1926.402.) A hearing request raised the issue of whether some industrial transmission and distribution installations (i.e., those that are less than 15 kV) should be covered by Subpart K.

3. The existing Subpart K incorporates the 1971 National Electrical Code (NEC)

by reference. The proposal, which would delete this incorporation by reference, contains provisions of the NEC which OSHA has determined are relevant to worker safety involving electrical wiring used in construction. Certain NEC requirements set forth in the proposal are based on related aspects of the National Fire Protection Association's *Electrical Safety Requirements for Employee Workplaces, NFPA 70E, Part I* applicable to construction. (See preamble to the proposal, 48 FR 45873 through 45874.) A hearing request objected to the proposed elimination of the NEC from the regulations and the consequent use of portions of NFPA 70E as a basis for a standard on electrical installations for construction. Specifically, the objector noted that proposed §§ 1926.404(f)(3) (portable and vehicle mounted generator grounding), 1926.405(a)(2)(ii)(C) (receptacles not allowed on lighting circuits), and 1926.405(a)(2)(ii)(H) (junction boxes on temporary wiring) are covered by the 1984 NEC and that the proposed requirements would be unnecessary if the 1984 NEC were incorporated by reference in Subpart K. OSHA invites comments on whether the NEC should continue to be incorporated by reference and, if not, whether the standard should be based only on applicable provisions of NFPA 70E relevant to construction.

4. Detailed requirements related to bonding and grounding are set forth in § 1926.401 of the existing standard and in Article 250 of the 1971 NEC. OSHA has proposed to retain these provisions in more performance oriented language, as given in § 1926.404(f). A hearing request objected to this approach and requested that OSHA retain the more detailed language of the existing standard, particularly paragraphs (d), (e) and (g) of § 1926.401 dealing with specific ground resistance values and bonding techniques. Comments are invited on this issue.

5. Whether receptacles in existing installations should be permitted to be grounded by means of grounded cold water pipes, as is the case in the existing standards (1971 NEC Section 250-50), or whether they should be required, as proposed, to be grounded by a separate equipment grounding conductor connected back to the service.

6. Existing § 1926.401(j)(2) requires temporary lights to be equipped with "heavy duty" cords. In § 1926.405(a)(2)(ii)(B), the proposed standard would allow other methods of wiring temporary lights, including open conductors, cables suitable for the environment, and conduit. An objection

Note: All programs listed above are also covered by Part 113 of Title 13 of the Code of Federal Regulations.

(Catalog of Federal Domestic Assistance Programs No. 59.001 through 59.031)

Dated February 2, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-3614 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Part 1926**

[Docket No. S106]

Electrical Standards for Construction

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of informal public hearing.

SUMMARY: This notice schedules an informal public hearing on the proposed electrical standards for construction published in the *Federal Register* on October 7, 1983 (48 FR 45872).

DATES: The hearing will begin on April 10, 1984, at 9:30 a.m., and may continue for more than one day based on the number of notices of intention to appear which are received. Notices of intention to appear at the public hearing must be postmarked by March 9, 1984. Written comments relating to the hearing issues, and testimony and evidence which will be introduced into the hearing record must be postmarked by March 23, 1984.

ADDRESSES: The informal public hearing will be held in the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Send written comments to: Docket Officer, Docket S106, Room S6212, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-7894.

Send notices of intention to appear and testimony and evidence which will be introduced into the hearing record to: Mr. Tom Hall, OSHA, Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-7178.

to the proposal was that the existing requirement in § 1926.401(j)(2) for "heavy duty" cords would be eliminated. Comments are requested on the issue of whether temporary lighting should be required to be installed with "heavy duty" cords rather than with other means, such as conductors within multiconductor cable assemblies or as open conductors.

7. The specific language in existing paragraphs (a)(1), (a)(3), (a)(6), and (a)(8) of § 1926.402 would be eliminated by the proposal. These requirements, dealing with design details of attachment plugs and receptacles and with protection of cables from damage, are covered by other proposed performance-oriented requirements (see Distribution Table in proposal at 48 FR 45875). A hearing request objected to the deletion of the language contained in the four paragraphs. Comments are requested on the issue of whether the language of these paragraphs from the present standard should be retained, or whether their objectives are adequately addressed in the proposal.

8. Proposed § 1926.403(j) and the existing standard in 1971 NEC Article 710 contain general provisions relating to installations of more than 600 volts, nominal. An interested person objected, stating that voltages addressed by the proposed paragraph are normal supply-side voltages, and that the proposal should cover such voltages wherever they are found in construction. In light of the fact that neither the proposal nor the existing standard apply to distribution installations, OSHA requests comments on the issue of whether proposed § 1926.403(j) should apply to equipment on the supply side of the service conductors and, if so, suggestions on how the scope of the standard should be modified so that such equipment is covered.

9. Both the existing standard, in 1971 NEC section 250-33, and the proposal, in § 1926.404(f)(7)(i), contain a requirement for metal enclosures for conductors to be grounded. Two exemptions, however, are provided in each standard: one for enclosures used to protect cable assemblies from damage and the other for enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable, under certain restrictions. A hearing request objected to the proposal's inclusion of these two exceptions (contained in § 1926.404(f)(7)(i) (A) and (B)). Therefore, OSHA solicits comments on the issue of whether these exemptions should be removed.

10. The definitions in the proposal are derived from and are consistent with

those in the National Electrical Code. In some cases, certain minor differences have resulted from NEC changes over the years. Also, as explained in the preamble to the proposal (48 FR 45877), definitions related to "approval" are proposed to be modified to remove references to specific testing laboratories. One interested person objected to several of the proposed definitions—to some because they are not consistent with the 1984 NEC, to those related to "approval" because they are "inappropriate and unenforceable," and to the definition of "qualified person" because it is different from the general definition of that term in § 1926.32. OSHA invites comments on the issue of whether the definitions as proposed are appropriate or whether they should be modified to conform to those either in the 1984 NEC or in the existing standard.

11. One of the requests for a hearing raised two other issues—one resulted from a misunderstanding of the proposal, the other from a mistake in the printing of the proposal. The request objected to the removal of existing § 1926.400(h), dealing with ground-fault protection. However, as noted in the preamble to the proposal (48 FR 45878) and in the proposal itself (48 FR 45881), this paragraph would be redesignated as § 1926.404(b)(1). This paragraph in the proposed text was reserved for this purpose. The other issue raised was of the omission of the word "grounding" from proposed § 1926.404(a)(1). As noted in the hearing request, the correct wording of the second sentence of this paragraph is: "A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors." The concerns raised in these two issues will be addressed in the final rule.

Public Participation

Written comments on the issues listed in this notice must be postmarked by March 23, 1984. These comments should be submitted, in quadruplicate, to the Docket Office, Docket No. S106, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-7894. All materials submitted will be available for inspection and copying at this address.

Additionally, under section 6(b)(3) of the Occupational Safety and Health Act, and 29 CFR Part 1911, an opportunity to testify orally concerning the issues raised in this notice will be provided at an informal public hearing.

Notice of Intention to Appear

Persons desiring to participate at the hearing, including those who previously requested that a public hearing be held, must file a notice of intention to appear with Mr. Tom Hall, OSHA Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-7178. This notice must be postmarked by March 9, 1984.

The notice of intention to appear, which will be available for inspection and copying at the OSHA Docket Office (address previously listed), must contain the following information:

1. The name, address and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issue(s) that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and a summary of the evidence proposed to be adduced at the hearing.

Filing of Testimony and Evidence Before the Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide, in quadruplicate, the complete text of the testimony including all documentary evidence to the OSHA Division of Consumer Affairs. This material will be available for inspection and copying at the Docket Office. This material must be postmarked by March 23, 1984. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10 minute presentation and may be requested to return for questioning at a later time. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

Conduct of the Hearing

The hearing will commence at 9:30 a.m. on April 10, 1984, in the Auditorium of the Frances Perkins Department of

Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit questioning of any witness; and
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. Proposed Subpart K of 29 CFR Part 1926 will be reviewed in light of all testimony and written submissions received as part of the record, and a standard will be issued, or a determination will be made not to issue a rule, based on the entire record of the proceeding, including the earlier written comments and evidence received through the public.

Authority

This document was prepared under the direction of Thorne G. Aucter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

It is issued pursuant to Sec. 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655); Sec. 107 of the Construction Safety Act (83 Stat. 96, 40 U.S.C. 333); Secretary of Labor's Order No. 9-83 (48 FR 35736); and 29 CFR Part 1911.

Signed at Washington, D.C. this 3rd day of February, 1984.

Thorne G. Aucter,
Assistant Secretary of Labor.

[FR Doc. 84-3478 Filed 2-8-84; 8:45 am]
BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status and Critical Habitat for the Fresno Kangaroo Rat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment time.

SUMMARY: The Service gives notice that the comment period on the proposed endangered status and critical habitat for the Fresno kangaroo rat will be reopened for a period of 30 days. This measure will allow an opportunity for parties that may not have originally received sufficient notification of the proposal to provide comments to the Service.

DATES: Comments must be received by March 12, 1984. Public hearing requests will be accepted until this date.

ADDRESSES: Comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection during normal business hours, by appointment, at this address.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur at the above address, (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

In the *Federal Register* of November 21, 1983 (48 FR 52608-52611), the Service proposed to determine endangered status and critical habitat for the Fresno kangaroo rat. This small, hopping mammal is restricted to the native grasslands of Fresno County in the San Joaquin Valley of California. From 1938 to 1981, over 90 percent of the approximately 100,000 acres of these grasslands was destroyed by agricultural development, and a recent survey found only about 857 acres to be actually occupied by the kangaroo rat.

The Endangered Species Act of 1973, as amended, requires a number of notifications with respect to proposed regulations. Among others, these requirements include publishing a summary of the proposal in a newspaper of general circulation in each area of the United States in which the involved species occurs. Because of a problem in mail routing, the relevant summary on

the Fresno kangaroo rat proposal was not published. As a consequence, persons who might have received notice of the proposal through the newspaper summary were not given sufficient time to submit comments. Therefore, the Service now reopens the comment period for 30 days. The newspaper summary will be published promptly upon appearance of this notice in the *Federal Register*.

Author

The primary author of this notice is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Dated: January 31, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-3484 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for the Key Largo Woodrat and Key Largo Cotton Mouse

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list two small mammals, the Key Largo woodrat and the Key Largo cotton mouse, as endangered and to determine their critical habitat. Both species are endemic to Key Largo, Monroe County, Florida. Destruction of tropical hardwood hammock forest, to which these rodents are restricted, is a threat to their continued existence. Forest vegetation is being reduced by residential and commercial development on north Key Largo. Almost all of the Key Largo woodrat and cotton mouse populations are on private land where further habitat destruction is imminent. Both species have already been listed as endangered through an emergency rule, but that rule will expire on May 18, 1984, and permanent protection by the Endangered Species Act is now required. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public and the State of Florida must be received by April 9, 1984. Public hearing requests must be received by March 26, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Endangered Species Field

Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. David Wesley, Endangered Species Field Supervisor, at the above address (907/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

The Key Largo woodrat (*Neotoma floridana smalli*) was described by Sherman (1955). It is the southernmost subspecies of woodrat in the U.S., and is separated by a 150-mile gap from other Florida woodrat (*N. f. floridana*) populations. The Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) was described by Schwartz (1952). Both the woodrat and cotton mouse are endemic to Key Largo, Monroe County, Florida. Both species were introduced to Lignum Vitae Key, Monroe County, Florida in 1970. The woodrat has apparently flourished on Lignum Vitae Key, a State preserve, and may have reached the carrying capacity of the available habitat on this 90-hectare (220-acre) key. The status of the cotton mouse on Lignum Vitae Key is unknown. The Florida Department of Parks and Recreation had considered relocating the woodrat and cotton mouse from Lignum Vitae Key, because neither species is native there. No such translocation efforts are presently planned, however.

On May 19, 1980, Dr. Stephen R. Humphrey of the Florida State Museum, Gainesville, Florida, petitioned the Service to add the Key Largo woodrat and cotton mouse to the U.S. List of Endangered and Threatened Wildlife, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The petition included a status report prepared under contract to the Florida Game and Fresh Water Fish Commission. Portions of the report were recently published (Barbour and Humphrey, 1982). In the *Federal Register* of July 28, 1980 (45 FR 49961-49962), the Service published a notice of petition acceptance and status review, and announced its intention to propose listing the two Key Largo rodents. In the *Federal Register* of September 21, 1983 (48 FR 43040-43043), the Service issued an emergency rule listing both species as Endangered (for details, see below under "Available Conservation Measures."

The upland areas which the woodrat and cotton mouse inhabit on north Key Largo reach an elevation of about 4

meters (13 feet). The uplands support a rich biota, including many rare plant species. The climax vegetation type is a hardwood hammock forest with close floristic affinities to the West Indies. The hammocks are restricted to upland areas because they do not tolerate the intrusion of salt water in the tidal lowland areas.

Species associated with the north Key Largo hammocks include the Schaus swallowtail butterfly (*Papilio aristodemus ponceanus*), federally threatened; and several Florida State-listed plant species: tamarindillo (*Acacia choriophylla*), powdery catopsis (*Catopsis berteroniana*), prickly apple (*Cereus gracilis* var. *simpsonii*, a cactus that the Service presently has under review (45 FR 82496) for possible listing as endangered or threatened), silver palm (*Coccothrinax argentata*), lignum-vitae (*Guaicum sanctum*), inkwood (*Hypelate trifoliata*), mahogany mistletoe (*Phoradendron rubrum*), and brittle thatch palm (*Thrinax microcarpa*).

Tropical hardwood hammocks develop a closed canopy when they are mature, providing a more moderate, humid environment than the surrounding habitats. The Key Largo woodrat and cotton mouse are restricted to these hammocks. Tropical hardwood hammocks were originally found from Key West northward into the southern peninsula of Florida. Many of the hardwood hammocks on the peninsula, however, have been destroyed due to human activities. This habitat is one of the most limited and threatened ecosystems in Florida. The hammocks on north Key Largo represent some of the largest remaining tracts of this vegetation type.

Hersh (1981) studied the ecology of the woodrat on north Key Largo. Woodrat densities on the 5.25-hectare (13-acre) study area varied between 2 and 2.5 woodrats per hectare (0.8-1.0 woodrats per acre). Mean home range was 0.2368 hectares (0.6 acres). Each woodrat used several stick nests (about 5.6 nests per woodrat). Woodrats fed on leaves, buds, seeds, and flowers of a variety of plants.

Barbour and Humphrey (1982) found that the woodrat and cotton mouse were most abundant in mature hammocks and were rare or absent in young or recovering hammocks. Cotton mouse density was estimated to be 21.8 mice per hectare (8.8 per acre) in mature forest, but only 1.2 per hectare (0.5 per acre) in successional forest. About 466 hectares (1,150 acres) on north Key Largo were occupied by woodrats. The average density of nests was 7.7 per hectare (3.1 per acre). The total woodrat

population was estimated to be 654 individuals.

Both studies recommended protection of hammock forest habitat if the Key Largo woodrat and cotton mouse were to survive on north Key Largo.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments to the Act) set forth the procedures for adding species to the Federal lists. The Secretary of the Interior shall determine whether any species is an endangered or a threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to the Key Largo woodrat and cotton mouse are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The native range of the Key Largo woodrat and cotton mouse is Key Largo, Monroe County, Florida. Both species are dependent on tropical hardwood hammock forest. The rodents are presently found only on 1,150 acres of the northern portion of Key Largo, where most of the remaining hardwood hammocks occur. Increased protection for mangroves and wetlands in Florida has moved development pressure to the much more limited upland areas where tropical hammocks occur. The remaining hammocks of north Key Largo are the proposed sites for a large number of residential developments. Intensive development in the Keys generally results in destruction of the hammock ecosystem, even though individual large trees may be preserved. The Florida Keys Aqueduct Authority is presently completing a new pipeline to the Keys. A spur of the pipeline now extends into north Key Largo, and increased availability of water is expected to accelerate the rate of residential, commercial, and recreational development. The Florida Keys Electric Cooperative has requested a loan from the Rural Electrification Administration for construction of a substation to provide increased electrical delivery on northern Key Largo. Up to 6,000 new residential units could be served by this system. Therefore, accelerated development would likely result and a substantial part of the habitat of the Key Largo woodrat and cotton mouse would probably be lost.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* Monroe County Ordinance 18-1975 for Site Clearing and Tree Protection recognizes the uniqueness and fragility of the tropical hardwood hammocks in the Keys and regulates clearing of the hammocks. Numerous violations of the Ordinance have occurred, however, and penalties have been small enough that they are not necessarily a deterrent to potential violators. More importantly, the ordinance does not specifically protect the integrity of hammocks, but instead emphasizes the protection of individual large trees. The Key Largo woodrat and cotton mouse are considered endangered by the State of Florida (Chapter 39-27.03 of the Florida Administrative Code), but this legislation does not protect the habitat of these species.

E. *Other natural or manmade factors affecting its continued existence.* The Key Largo woodrat may be at the carrying capacity of the available habitat on Lignum Vitae Key. The status of the cotton mouse on this key is presently unknown. Should these species be removed from Lignum Vitae Key, where they are not native, it would be difficult to locate sufficient suitable habitat to introduce them into.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires the Secretary, to designate the "critical habitat" of a species, concurrent with listing, "to the maximum extent prudent and determinable." The Act defines critical habitat as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of the Act, on which are found those physical or biological features: (I) Essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The proposed critical habitat of the Key Largo woodrat and cotton mouse consists of approximately 810 hectares (2,000 acres) of uplands on north Key Largo which support tropical hardwood hammock, disturbed hammock, and

transition (between hammock and mangrove) vegetation. Within this overall zone, currently suitable habitat is fragmented, not continuous. Neither is the area currently occupied by the species continuous. The proposed critical habitat includes about 344 hectares (850 acres) not now occupied by the woodrat or cotton mouse, but which are essential to the conservation of the species. Section 3(3) of the Act defines "conservation" as the use of all methods and procedures necessary to bring a protected species to the point where the Act's protections are no longer necessary. The areas within the proposed critical habitat not currently occupied include many disturbed tracts that formerly provided habitat for the two mammals, and that will again become suitable as the hammock vegetation recovers and matures. If these tracts are not protected, the range of the mammals would become excessively and permanently fragmented. If the population in any one segment of the current range were to be eliminated by fire, storm, disease, predation, or some other factor, that population could not be replaced by natural movement of animals from another segment. Such fragmentation and loss of potential habitat would ensure that woodrat and cotton mouse numbers remained small and highly vulnerable, and that recovery would not be possible. The unoccupied portion of the proposed critical habitat also includes tracts of transition vegetation adjacent to the hammocks. These tracts protect the shallow-rooted hammock trees from blowdowns, and so are necessary to the integrity of the hammocks. Thus, the proposed critical habitat outside the current range of the species is not only essential to the recovery of the species, but is crucial to the protection of the species in their current range.

In considering designation of critical habitat, the Service is required by 50 CFR 424.12(b) to focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species involved. With respect to the Key Largo woodrat and cotton mouse, the areas designated as critical habitat satisfy all known criteria for the ecological, behavioral, and physiological requirements of the animals. These elevated forest areas, on an island covered otherwise mainly by mangrove wetlands, have sufficient drainage and vegetation to provide protective cover, a variety of tropical plants for food, and suitable sites for the terrestrial nests of the cotton mouse and the elaborate stick houses of the woodrat.

Section 4(b)(8) of the Act requires, to the maximum extent practicable, that any determination of critical habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. Activities most likely to adversely modify the critical habitat of the Key Largo woodrat and cotton mouse are the continued clearing of hardwood hammocks for residential, commercial, and recreational development. Minor adverse private activities include poaching of tropical hardwoods, dumping of trash and exotic plant debris, and setting fires.

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as critical habitat. Therefore, an impact analysis will be prepared prior to the time of a final permanent rule and will be used as the basis for a decision on whether or not to exclude any area from critical habitat for the Key Largo woodrat and cotton mouse. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration. These agencies and other interested parties are requested to submit information on economic or other impacts of the proposed measure.

There are a number of Federal activities that may relate to the proposed critical habitat of the Key Largo woodrat and cotton mouse. These are described below under "Available Conservation Measures." It should be emphasized, however, that critical habitat designation does not necessarily prevent Federal activities. If appropriate, the impacts will be addressed during consultation with the Service as required by Section 7 of the Endangered Species Act, as amended. Modification, and not curtailment, of the affected Federal activity has traditionally been the result of Section 7 consultations.

Available Conservation Measures

Endangered Species regulations already published in Title 50, Section 17.21 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all endangered wildlife species. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale any Key Largo woodrat or cotton mouse in interstate or foreign commerce. It also

would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the U.S. Fish and Wildlife Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and for incidental takings in limited circumstances. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

This proposed rule requires Federal agencies to satisfy their statutory obligations with respect to the Key Largo woodrat and cotton mouse. Agencies will now be required, in accordance with Section 7(a)(4), to informally confer with the Service on any action that is likely to jeopardize these species or result in the destruction or adverse modification of their proposed critical habitat. Moreover, if the Key Largo woodrat and cotton mouse are ultimately added to the List of Endangered and Threatened Wildlife, Section 7(a)(2) would require Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of these species or result in the destruction or adverse modification of their critical habitat that has been determined by the Secretary (this requirement is currently in effect under the emergency rule of September 21, 1983).

A possible Federal involvement in the upland areas of north Key Largo would be the flood insurance provided by the Federal Emergency Management Agency (FEMA). Monroe County regulations qualify the area under the National Flood Insurance Program administered by this agency. Insurance is provided only for completed structures. Should this program be restricted on north Key Largo, increased risk or increased insurance costs could result. Development would be less attractive in the area.

Due to the high-cost, luxury type of development planned for north Key Largo, future loans by such Federal agencies as the Federal Housing Administration, Veterans Administration, and Small Business Administration are not considered likely. If loans were sought from these

agencies, however, their availability might be affected by the need to consider the welfare of the Key Largo woodrat and cotton mouse. Some increases in costs, e.g., higher interest rates, could result. Development would continue on north Key Largo, however, without the assistance of these particular federal agencies.

The U.S. Fish and Wildlife Service is presently acquiring lands on north Key Largo for the Crocodile Lake National Wildlife Refuge. The projected size of the refuge is about 7,000 acres. At present, 203 acres have been acquired with an additional 450 acres planned for acquisition in 1983. The projected refuge boundaries include about 800 acres of the proposed critical habitat of the Key Largo woodrat and cotton mouse. Service management would preserve the hardwood hammock vegetation on these uplands. Few if any increased costs to the refuge would result from this listing action.

A previous Service consultation pursuant to Section 7 of the Endangered Species Act occurred in relation to the Farmers Home Administration (FmHA) funding of the Florida Keys Aqueduct Authority's (FKAA) new aqueduct in the Florida Keys. The Service's concern was that the new pipeline would encourage development, thereby adversely affecting listed species. FmHA entered into consultation with the Fish and Wildlife Service on February 4, 1980. The consultation involved one Endangered species, the American crocodile (*Crocodylus actus*), and one Threatened species, the Schaus swallowtail butterfly (*Papilio aristodemus ponceanus*) on north Key Largo. A biological opinion, issued by the Service on May 29, 1980, indicated that these species would be jeopardized by the project. FmHA accepted, as a condition of its loan, a requirement to restrict water delivery on north Key Largo, thus avoiding a violation of subsection 7(a)(2) of the Endangered Species Act. The areas excluded from water delivery were within the boundaries of the Crocodile Lake National Wildlife Refuge as well as uplands of several sections of land east of the refuge. About 45 percent of the total Key Largo woodrat and cotton mouse population on north Key Largo occurs in hammocks denied water in conformity with existing biological opinion. Much of the most densely occupied habitat, however, lies outside these areas. Since the FmHA is not involved with the construction or operation of the pipeline, no future Federal involvement with this project is anticipated.

In addition, on June 27, 1983, the Rural Electrification Administration (REA) submitted to the U.S. Fish and Wildlife Service a request for immediate initiation of formal consultation on a proposed loan to the Florida Keys Electric Cooperative (FKEC) for construction of a substation to provide increased electrical delivery on northern Key Largo. Such consultation was required by Section 7 of the Endangered Species Act, as amended, because of the presence of the threatened Schaus swallowtail butterfly and the endangered American crocodile, which may be affected by the project. Subsection 7(a)(2) requires consultation to insure that Federal actions are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitat.

The proposed electric delivery system, which could serve up to 6,000 new residential units, would probably have even greater adverse effects on the Key Largo woodrat and cotton mouse, which were not listed at the time consultation was initiated. These two species occur exclusively in upland hardwood hammocks, which are prime targets of development. Even though a portion of the habitat of these species lies within the authorized boundaries of the approved Crocodile Lake National Wildlife Refuge, little of the upland habitat has been acquired so far, and future acquisitions are expected to proceed slowly. Moreover, most habitat of these species is outside the refuge boundaries. Increased availability of electric power would likely result in accelerated residential and commercial development both within and outside the authorized refuge boundaries. Consequently, a substantial part of the habitat of the Key Largo woodrat and cotton mouse would probably be lost, and the survival of these species would be jeopardized.

Since the Key Largo woodrat and cotton mouse were not on the U.S. List of Endangered and Threatened Wildlife at the time consultation on the REA loan was initiated, their welfare could not then be given full consideration in the consultation process. Even if a proposed rule had been issued at that time, it could not have been made final in time for such consideration to have been given, because normally: (1) The proposed rule must be published at least 90 days before the effective date of the final listing, and (2) the consultation process relative to Federal actions must be completed within 90 days of initiation. Also, if these two species were only proposed for listing, they would only be subject to subsection

7(a)(4) of the Endangered Species Act, which requires that Federal agencies informally "confer" on actions likely to jeopardize the continued existence of proposed species. Unlike the protection afforded listed species, this subsection does not legally prohibit such actions, one informal conferral has taken place, and does not prohibit agencies from making irreversible or irretrievable commitments of resources with respect to such actions. Thus, proposed species are afforded no substantive protection pursuant to the Act. Therefore, in order to insure that the welfare of the Key Largo woodrat and cotton mouse was considered in regard to the REA loan, an emergency rule determining both species as endangered was issued in the Federal Register of September 21, 1983 (48 FR 43040-43043). Consequently, the opinion issued by the Service on the REA loan indicated that the proposed electric delivery system would result in development that would jeopardize the continued survival of the two species. The emergency rule, however, will expire on May 18, 1984, and it is now necessary to propose permanent Endangered status.

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listings under the Endangered Species Act. *PLF v. Andrus* 657 F.2d 829 (6th Cir. 1981).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or

suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly sought include:

- (1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the Key Largo woodrat and cotton mouse;
- (2) The location of and the reasons why any habitat of these species should or should not be determined to be critical habitat as provided for by Section 4 of the Act;
- (3) Additional information concerning the range and distribution of these species;
- (4) Current or planned activities that may adversely modify the areas being considered for designation as critical habitat; and
- (5) The foreseeable economic and other impacts of the critical habitat designation on Federal activities, private individuals, etc.

Final promulgation of the regulations on the Key Largo woodrat and cotton mouse will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Copies of the base map dated March 31, 1983, which sets out the critical habitat proposed by this rule, are also available at this office, in the Service's Regional Office in Atlanta, Georgia, and at the Service's Office of Endangered Species in Washington, D.C.

Author

The primary author of this proposed rule is Dr. Michael M. Bentzien, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580).

References

Barbour, D. B., and S. R. Humphrey. 1982. Status and habitat of the Key Largo woodrat and cotton mouse (*Neotoma floridana smalli* and *Peromyscus gossypinus allapaticola*). J. Mamm. 63:144-148.

Hersh, S. L. 1961. Ecology of the Key Largo woodrat (*Neotoma floridana smalli*). J. Mamm. 62:201-206.

Schwartz, A. 1952. Three new mammals from southern Florida. J. Mamm. 33:381-385.

Sherman, H. B. 1955. Description of a new race of woodrats from Key Largo, Florida. J. Mamm. 36:113-120.

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

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

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

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under Mammals:

§ 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 | | | | | | |
| Mouse, Key Largo cotton | <i>Peromyscus gossypinus allapaticola</i> | U.S.A. (Florida) | Entire | E | | 17.95(a) | N/A |
| Woodrat, Key Largo | <i>Neotoma floridana smalli</i> | U.S.A. (Florida) | Entire | E | | 17.95(a) | N/A |

3. It is further proposed that § 17.95(a), *Mammals*, be amended by adding the critical habitat of the Key Largo cotton mouse after that of the Florida manatee as follows:

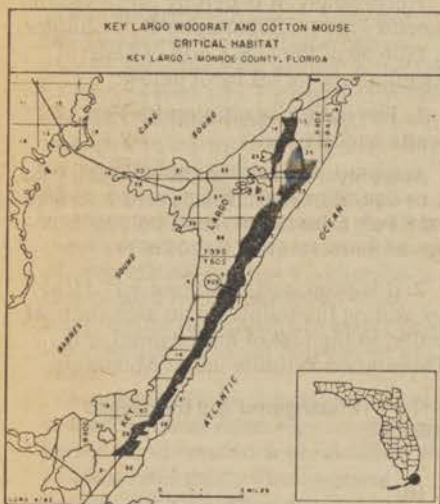
§ 17.95 Critical habitat—fish and wildlife.
(a) * * *

Key Largo Cotton Mouse
(*Peromyscus gossypinus allapaticola*)

Florida. Hammocks (elevated tracts of land naturally supporting hardwood vegetation), disturbed hammocks, and zones of transition between hammocks and mangrove (as designated on a base map prepared by the U.S. Fish and Wildlife Service, dated March

31, 1983, the original of which is on file at the Service's Regional Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303) constituting approximately 810 hectares within the following areas of Key Largo in Monroe County (Tallahassee meridian): Areas in T59S R40E sec. 13 west of Old State Road 905 and south of the east-west road connecting Old State Road 905 with State Road 905 south of the Ocean Reef property; areas, in T59S R40E sec. 13 and 14 west of State Road 905 and south of a line extended westward at a bearing of S89°38'W from the junction of said connecting road and State Road 905; areas in T59S R40E sec. 24 west of Old State Road 905; areas in T59S R40E sec. 24 east of Old State Road 905 and south of the fence line that forms the southern boundary of the Harbor Course section of the Ocean Reef community; areas in T59S R40E sec. 25 and 26 along the east and west sides of both State Road 905 and Old State Road 905; and areas in T59S R40E sec. 23, 34, and 35, and in T60S R40E sec. 2, 3, 9, 10, 15, 16, 20, 21, 28, 29, and 30 along the east and west sides of State Road 905.

Within these areas, the major constituent elements that are known to require special management considerations or protection are uplands and associated tropical hardwood hammock forest trees and shrubs that provide food and cover for the Key Largo cotton mouse.



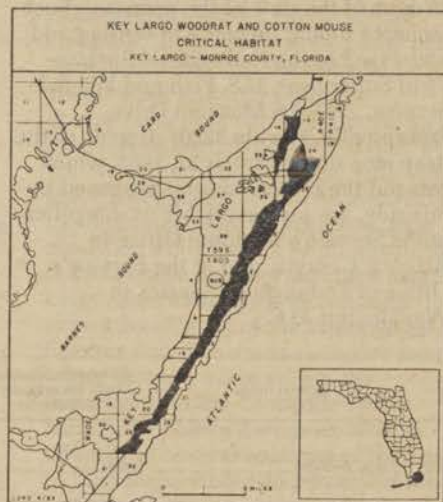
4. It is further proposed that § 17.95(a), Mammals, be amended by adding the Critical Habitat of the Key Largo woodrat after that of the gray wolf as follows:

Key Largo Woodrat
(*Neotoma floridana smalli*)

* * * * *

Florida. Hammocks (elevated tracts of land naturally supporting hardwood vegetation), disturbed hammocks, and zones of transition between hammocks and mangrove (as designated on a base map prepared by the U.S. Fish and Wildlife Service, dated March 31, 1983, the original of which is on file at the Service's Regional Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303) within the following areas of Key Largo in Monroe County (Tallahassee Meridian): areas in T59S R40E sec. 13 west of Old State Road 905 and south of the east-west road connecting Old State Road 905 with State Road 905 south of the Ocean Reef property; areas in T59S R40E sec. 13 and 14 west of State Road 905 and south of a line extended westward at a bearing of S89°38' W from the junction of said connecting road and State Road 905; areas in T59S R40E sec. 24 west of Old State Road 905; areas in T59S R40E sec. 24 east of Old State Road 905 and south of the fence line that forms the southern boundary of the Harbor Course section of the Ocean Reef community; areas in T59S R40E sec. 25 and 26 along the east and west sides of both State Road 905 and Old State Road 905; and areas in T59S R40E sec. 23, 34, and 35, and in T60S R40E sec. 2, 3, 9, 10, 15, 16, 20, 21, 28, 29, and 30 along the east and west sides of State Road 905.

Within these areas, the major constituent elements that are known to require special management considerations or protection are uplands and associated tropical hardwood hammock forest trees and shrubs that provide food and cover for the Key Largo woodrat.



Dated: January 25, 1984.

J. Craig Potter,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc 84-3483 Filed 2-8-84; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 31004-196]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area; withdrawal of Proposed Rule

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: NOAA by this document withdraws the proposed rule to implement Amendment 6 to the fishery management plan for the groundfish fishery in the Bering Sea and Aleutian Islands area that appeared at page 45806 in the *Federal Register* of Friday, October 7, 1983 (48 FR 45806). This rulemaking was disapproved by the Secretary of Commerce under Section 304(b)(2) of the Magnuson Fishery Conservation and Management Act on December 8, 1983 for additional analysis of the potential impacts of the action and opportunity for public review.

FOR FURTHER INFORMATION CONTACT: Susan J. Salvesson (Regional Plan Coordinator, Alaska Region, National Marine Fisheries Service), 907-586-7230. (16 U.S.C. 1801 *et seq.*)

Dated: February 3, 1984.

Joseph W. Angelovic,
Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 84-3479 Filed 2-8-84; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 49, No. 28

Thursday, February 9, 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

Soil Conservation Service

Winfield Creek Critical Area Treatment RC&D Measure, Steuben County, New York, Sullivan Trails RC&D Area; Finding of No Significant Impact

The measure concerns a plan for reducing critical erosion along Goff Road as a result of high flows in adjacent Winfield Creek due to storm events. The planned works of improvement include a 20 foot extension of an existing culvert, placement of rock riprap in critical areas, installation of 2 rock riprap sills in the channel bottom, reshaping and vegetative stabilization of exposed banks, and installation of rock riprap wingwalls upstream of existing culvert. Benefits will be derived from the protection of Goff Road, a public highway. The annual cost of maintenance will be reduced, water quality and public safety will be enhanced.

An environmental assessment as part of the measure planning process was conducted. The assessment revealed no significant adverse impacts to the environment would occur as a result of project implementation.

The environmental assessment prepared for this measure is available for public review at the James M. Hanley Federal Building, 100 South Clinton Street, Room 771, Syracuse, New York 13260.

Based on the facts derived from the assessment, it was concluded that an environmental impact statement would not be necessary.

Dated: January 31, 1984.

Paul A. Dodd,

State Conservationist, Soil Conservation Service, Syracuse, New York.

[FR Doc. 84-3556 Filed 2-8-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 40201]

Air New England/Mackey International Airlines; Employee Protection Program Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on May 16, 1984, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., February 2, 1984.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 84-3606 Filed 2-8-84; 8:45 am]

BILLING CODE 6320-01-M

Order Establishing International Cargo Rate Flexibility Policy

Correction

In FR Doc 84-3037 appearing on page 4228 in the issue of Friday, February 3, 1984, in the second column, third paragraph, line 6, ".9335" should read ".9355."

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on these applications must be submitted on or before February 29, 1984.

ADDRESS: 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 this application as "Export Trade Certificate of Review, application number 84-00004."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, 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 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation 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 meet 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 15937-10 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: Farmers' Rice Cooperative, P.O. Box 696, West Sacramento, CA 95691

Application #: 84-00005

Date Received: January 20, 1984

Date Deemed Submitted: January 27, 1984

Members in Addition to Applicant:

Entities or firms having California rice

products available for export who join with the Applicant from time to time in certified contractual arrangements.

A. Export Trade

The Applicant intends to bid on, negotiate and perform commercial contracts for the export of California rice products (milled and unmilled) to foreign purchasers.

B. Export Markets

The Applicant intends to market its products worldwide, primarily in the Pacific areas and Far East, Europe and South America.

C. Activities/Methods of Operation

Farmers' Rice Cooperative (FRC) seeks certified contractual arrangements by which: (1) The Cooperative, together with other entities having California rice products available for export, will aggregate their available supplies in order jointly to bid on, negotiate and perform commercial contracts for the supply of California rice products to foreign purchasers; and (2) the Cooperative may provide, to all participating entities, coordinated storage, shipping, delivery and associated administrative services. These arrangements are to be exclusive with respect to the particular foreign commercial contract for which the arrangement is made, and limited to those entities that, apart from the Cooperative, have under their contract or control no more than thirty percent of California rice production, and that, together with the Cooperative, have under their contract or control no more than sixty percent of California rice production.

The OETCA is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued.

Dated: February 6, 1984.

Irving P. Margulies,

Acting General Counsel.

[FR Doc. 84-3603 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-DR-M

[A-351-012, A-351-014]

Final Determinations of Sales at Less Than Fair Value: Hot-Rolled Carbon Steel Plate and Hot-Rolled Carbon Steel Sheet From Brazil

Correction

In FR Doc. 84-2012, beginning on page 3102 in the issue of Wednesday, January 25, 1984, the effective date appearing near the top of the second column on page 3102 should have read, "January 25, 1984."

BILLING CODE 1505-01-M

[Case No. 652]

Order Temporarily Denying Export Privileges; Edward F. King, et al.

In the matter of: Edward F. King, 5122 Grandview Avenue, Yorba Linda, California; Louis R. Klement, 1255 Genoa Place, Placentia, California; Hendrik G. Wasmoeth, Berenkoog 29, 1822 BH Alkamaar, Holland; Ognian Bozarov, 57 Boul. Tcherni Vrah, Sofia, Bulgaria and Assen Koinov, 57 Boul. Tcherni Vrah, Sofia, Bulgaria.

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations [15 CFR 368, *et seq.* (1983)] (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Edward F. King, Louis R. Klement, Hendrik G. Wasmoeth, Ognian Bozarov, and Assen Koinov.

The Department states that, in November 1983, a federal grand jury, in a 10-count indictment, charged: (1) King, Klement, Wasmoeth, Bazarov and Koinov with conspiring to export and cause the export of U.S.-origin equipment from the United States to Bulgaria without obtaining the required validated export license; (2) King and Klement, aided and abetted by Wasmoeth, with exporting and causing to be exported U.S.-origin equipment without obtaining the required validated export license, and (3) King and Klement, aided and abetted by Wasmoeth, with exporting and diverting, and causing to be exported and diverted U.S.-origin equipment from the United States through Holland to Bulgaria by falsely stating and representing on Shipper's Export Declarations the destination of the subject U.S.-origin equipment to be Holland when in fact it was Bulgaria.

The Department further states that King and Klement are the principal officers of Printemps Corporation of

Yorba Linda, California, and that Wasmoeth was or is doing business as Data Maintenance, Kintraco B.V., and Traco Supplies B.V. with an address in Alkmaar, Holland.

Based on the showing made by Department, I find that an order temporarily denying all export privileges to Edward F. King, Louis R. Klement, Hendrik G. Wasmoeth, Ognian Bozarov, and Assen Koinov is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401-2420 (Supp. V 1981)) and the Regulations.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:
I. All outstanding validated export licenses in which any respondent or any related party appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors, or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application, (b) in preparing for filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith, (c) in obtaining from the Department or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States, and subject to the Regulations; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. Business organizations and individuals now known to be owned by or affiliated with the named respondents, and which are accordingly subject to the provisions of this order, are:

Printemps Corporation, 4854 Main Street, Suite F, Yorba Linda, California 92686
Nancy P. King, 5122 Grandview Avenue, Yorba Linda, California 92686
Data Maintenance, Berenkoog 29, 1822 BH Alkmaar, Holland
Kintraco, Berenkoog 29, 1822 BH Alkmaar, Holland
Traco Supplies BV, Berenkoog 29, 1822 BH Alkmaar, Holland

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, any respondent or any related party may move at any time to vacate or modify this temporary denial order by filing

with Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative and/or judicial proceedings initiated against the respondents as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-named related parties.

Dated: February 3, 1984, 2:25 pm EST.

Thomas W. Hoya,
Hearing Commissioner.

[FR Doc. 84-3500 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-25-M

[A-469-401]

Certain Stainless Steel Sheet and Strip Products From Spain; Initiation of Antidumping Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating antidumping investigations to determine whether certain stainless steel sheet and strip products from Spain are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of the action, so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. If the investigations proceed normally, the ITC will make its preliminary determination on or before February 27, 1984, and we will make our own on or before June 21, 1984.

EFFECTIVE DATE: February 9, 1984.

FOR FURTHER INFORMATION CONTACT: William D. Kane, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-1776.

SUPPLEMENTARY INFORMATION: On January 13, 1984, we received a petition in proper form from counsel for

Allegheny Ludlum Steel Corporation, Armco Inc., Carpenter Technology Corporation, Eastern Stainless Steel Company, J&L Specialty Steels, Inc., Jessup Steel Company, Republic Steel Corporation, Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Washington Steel Corporation, and the United Steelworkers of America, AFL/CIO-CLC.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Spain are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegations of sales at less than fair value of the merchandise under investigation from Spain are supported by comparisons of United States price, based variously on unit values derived from U.S. Customs import statistics and on actual sales and offers of Spanish stainless steel by a U.S. broker, and home market prices, based on the prices of a Spanish stainless steel service center netted back to reflect the manufacturer's wholesale prices.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition filed by counsel for the domestic stainless steel sheet and strip industry and the United Steelworkers of America, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating antidumping investigations to determine whether certain stainless steel sheet and strip products are being, or are likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by June 21, 1984.

Scope of Investigations

The merchandise covered by these investigations consists of certain stainless steel sheet and strip products. For a further description of these products see the appendix appearing with this notice.

Notification to the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine within 45 days of the date the petition was received whether there is a reasonable indication that imports of certain stainless steel sheet and strip products from Spain are materially injure, or are likely to materially injure, a United States industry. If its determination is negative, these investigations will terminate; otherwise they will proceed according to the statutory procedures.

Dated: February 1, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

Appendix

Product Description: Certain Stainless Steel Sheet and Strip Products

For the purpose of this investigation the term "certain stainless steel sheet and strip products" covers hot or cold rolled stainless steel sheet or strip, excluding hot or cold rolled stainless steel strip not over 0.01 inch in thickness, currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 the Tariff Schedules of the United States Annotated.

Hot rolled stainless steel sheet covers hot rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cold rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot rolled stainless steel strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cold rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold rolled stainless steel sheet covers cold rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold rolled stainless steel strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width. Cold rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included in this investigation.

[FR Doc. 84-3501 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Docket No. 31109-222]

Approval of Federal Information Processing Standard 10-3, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. Responsibilities of the National Bureau of Standards for the development, publication, and promulgation of data element and representation standards are defined in Part 6 of Title 15 of the Code of Federal Regulations. On April 21, 1981, a notice was published in the *Federal Register* (46 FR 22779-22780) that a revised standard for Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Subdivisions was being proposed for Federal use to supersede FIPS 10-2, Countries, Dependencies and Areas of Special Sovereignty. Interested parties were invited to submit written comments concerning this revised standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this revised standard were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the revised Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved the revision of FIPS 10-2, and that the revision shall be published as FIPS Publication 10-3. This revision becomes effective upon publication in the *Federal Register* of this notice. Use by Federal agencies is encouraged when such use

contributes to operational benefits, efficiency, or economy.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6622, Herbert C. Hoover Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

FIPS PUB 10-3 expands the code set for countries, dependencies and areas of special sovereignty by adding codes to identify principal administrative divisions within those units. In addition, the revision consolidates changes to country codes that have been announced in change notices over the past several years.

Expected benefits to Federal agencies using this revised standard in their data processing applications include reduced costs of data management and related paperwork, and improved opportunities for more effective use of data resources. The revised standard is expected to reduce duplication and promote coordination in information exchange involving international concerns.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice.

Interested parties may purchase copies of this revised standard, including the specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this revised standard is set out in the Where to Obtain Copies section of the announcement portion of the standard.

Persons desiring further information about this standard may contact Mr. Roy Saltman, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3491.

Dated: February 6, 1984.

Ernest Ambler,
Director.

Federal Information Processing Standards
Publication 10-3

(Date)

Announcing the Standard for Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards in accordance with section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315 dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations.

1. *Name of Standards:* Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions (FIPS PUB 10-3).

2. *Category of Standard:* Data Standards and Guidelines; Representations and Codes.

3. *Explanation:* This Standard provides a list of the basic geopolitical entities in the world, together with the principal administrative divisions that comprise each entity. Each basic geopolitical entity that was listed in FIPS PUB 10-2, *Countries, Dependencies, and Areas of Special Sovereignty*, as updated, is included; it is represented by the same two-character, alphabetic "country code." Each principal administrative division is identified by a four-character code consisting of the two-character "country code" followed by a two-character "administrative division code."

This Standard may be applied either in the two-character format of FIPS PUB 10-2, in which only a basic entity is identified, or in the four-character format that identifies both a basic entity and one of its principal divisions. FIPS PUB 10-2 is superseded in its entirety by this Standard.

4. *Approving Authority:* The Secretary of Commerce.

5. *Maintenance Agency:* Office of the Geographer, Department of State, Washington, DC 20520.

Questions concerning the list of entities and codes should be addressed to the Maintenance Agency. The Maintenance Agency will provide information to the National Bureau of Standards on changes as they occur. These may include changes in names (as approved by the U.S. Board on Geographic Names), or changes in definitions or codes.

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form provided in this publication and return it to the address indicated on the form.

6. *Cross Index:* Federal Information Processing Standards Publication (FIPS PUB) 104, *Guideline for Implementation of ANSI Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty.*

7. *Applicability:* This Standard is intended for applications that require a set of country and related area codes that are maintained by the U.S. Department of State, and for other applications that must interchange data with systems that have adopted these codes. Applications requiring data interchange with organizations that have adopted the codes of the International Organization for Standardization (ISO) specified in ISO 3166, or that have adopted standard Z39.27 of the

American National Standards Institute (ANSI), should use the codes provided in FIPS PUB 104. The latter publication implements ANSI Z39.27 which adopts, with qualifications, the codes of ISO 3166.

This Standard is intended for applications involving the interchange of international data. Applications limited primarily to domestic data, i.e., concerning the U.S. and its outlying areas, should use FIPS Pub 5-1, *States and Outlying Areas of the United States.*

8. *Implementation Schedule:* This Standard becomes effective upon publication in the Federal Register of an announcement by the National Bureau of Standards of approval by the Secretary of Commerce. Use by Federal agencies is encouraged when such use contributes to operational benefits, efficiency, or economy.

9. *Specifications:* Federal Information Processing Standard 10-3 (FIPS PUB 10-3), *Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions* (affixed).

10. *Where to Obtain Copies of the Standard:* Copies of this publication are available for sale by the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161. When ordering, please refer to Federal Information Processing Standards Publication 10-3 (FIPS PUB 10-3) and title. When microfiche is desired, this should be specified.

Inquiries concerning the FIPS data elements program may be directed to the Program Manager, Data Administration Group, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234; telephone (301) 921-3491.

[FR Doc. 84-3503 Filed 2-8-84; 8:45 am]
BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Dismissal of Federal Consistency Appeal of Mr. J. T. Taylor, From Objection by the North Carolina Department of Natural Resources and Community Development

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Dismissal of Appeal.

SUMMARY: By letter dated January 19, 1984, the consistency appeal filed by Mr. J. T. Taylor on August 5, 1983, of the decision by the North Carolina Department of Natural Resources and Community Development that Mr. Taylor's proposed unpermitted filling of a forested wetlands area near the Trent River is inconsistent with North Carolina's Coastal Management Program was dismissed by the Secretary of Commerce for failure to allege the correct statutory grounds for a

Secretarial override and to provide necessary supporting information.

Notice is hereby given that the appeal by Mr. J. T. Taylor is dismissed in accordance with NOAA regulations at 15 CFR 930.128 (b) and (d) and 930.130(d).

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: January 30, 1984.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 84-3569 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-08-M

Gulf of Mexico Fishery Management Council; Shrimp Workshop

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will convene Shrimp Workshops to obtain public comment on the advisability of opening or closing areas of the Tortugas Sanctuary. The effectiveness of enforcement of the Sanctuary is one of the factors the Council will consider in its decision on this issue.

DATES: The public workshops will be convened on February 22-23, 1984, convening at 7 p.m., February 22, adjourning at approximately 10 p.m.; reconvening on February 23, at 5:30 p.m., and adjourning at approximately 10 p.m.

ADDRESS: The February 22, workshop will take place at the Hall of 50 States, Edward Drive (adjacent to the Chamber Tourist Center), Ft. Myers, Florida; the February 23, Workshop will take place at the Key West Poinciana Elementary School Auditorium, 1212 14th St., Key West, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813)-228-2815.

Dated: February 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-3609 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Closed Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of Public Meeting With a Partially Closed Session.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will hold a public meeting with a closed session to discuss the following topics:

Public Meeting: Discuss reports of the herring, groundfish, bluefish, foreign fishing, surf clams, scallops and gear conflict oversight committees; reports on striped bass and the Mid-Atlantic Council meeting; as well as other fishery management and administrative matters.

Closed Session: Discuss the U.S./Canadian Boundary Arbitration. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

DATES: **Public Meeting:** The open session of the meeting will convene on February 22, 1984, at approximately 10:00 a.m., and adjourn of February 23, at approximately 11:30 a.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending on progress on the agenda.

Closed Session: The closed session of the meeting will convene of February 23, 1984, at approximately 1:00 p.m., and adjourn at approximately 3:30 p.m., on the same day.

ADDRESS: The meeting will take place at King's Grant Inn, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Rte. 1), Saugus, Massachusetts 01906, Telephone: 617-231-0422.

SUPPLEMENTARY INFORMATION: For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

Dated: February 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-3611 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Salmon Plan Development Team; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council, established by section 302 of the Magnuson Fishery

Conservation and Management Act (Pub. L. 94-265, as amended), has established a Salmon Plan Development Team (SPDT) to assist the Council in carrying out its responsibilities. This notice sets forth the schedule and proposed agents of the forthcoming meetings of the SPDT.

DATES: February 15-16, 21-24, 1984.

ADDRESS: The public meetings will be held in the Chinook Room of the Oregon Department of Fish and Wildlife, 506 SW. Mill Street, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, Oregon 97201, phone: (503) 221-6352.

AGENDA: Session opens 10 a.m., February 15; recesses 5 p.m., February 16; reconvenes 10 a.m., February 21, and ends 5 p.m., February 24. The SPDT will prepare sections of the 1984 salmon report on status of the 1984 stocks, management goals for 1984, and management measures for achieving the 1984 goals. A public comment period will be held at 3 p.m., February 15.

Dated: February 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-3610 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit; Mark Blane McHugh

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
 - a. Name: Mr. Mark Blane McHugh (P336), The University of Texas Marine Science Inst., Port Aransas Marine Labs.
 - b. Address: Port Aransas, Texas 78373.
 2. Type of Permit: Scientific Research.
 3. Name and Number of Animals: Bottlenose dolphins (*Tursiops truncatus*)—Unspecified.
 4. Type of Take: Potential harassment while conducting census behavior, and photographic reidentification studies.
 5. Location of Activity: Waters of Port Aransas, Texas.
 6. Period of Activity: 2 years.
- Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding

copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 3, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 84-3554 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Fisheries Advisory Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of subcommittee meetings of the Marine Fisheries Advisory Committee (MAFAC).

MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on matters pertinent to the Department's responsibilities for marine fisheries resources and on means to facilitate cooperation between public and private interests in these matters.

DATE: The meetings will convene on February 21, 1984, at 8:00 a.m. and adjourn at approximately 5:30 p.m.

ADDRESS: The meetings will be held in the Ficus Room, Hilton Inn Florida Center, Orlando, Florida.

Meeting agenda. The Budget and Strategic Planning subcommittee will meet from 8:00 a.m. to 9:30 a.m. to discuss the FY 84-85 budgets for NMFS and the NMFS strategic planning system. The State/Federal/Regional Council Living Marine Resources Planning subcommittee will meet from 9:30 a.m. to 10:30 a.m. to discuss coastal fisheries interjurisdictional management; and Council fishery management plan update. The Marine Recreational Fishing subcommittee will meet from 10:30 a.m. to 12:00 noon to discuss the status of NMFS MRF statistical program; Artificial Reef Development Center; 1984 Fisheries Conference; U.S. Fisheries Development Corporation; and expanded Dingell-Johnson program. The Consumer Affairs subcommittee will meet from 1:00 p.m. to 2:00 p.m. to discuss legislative proposal for Seafood Marketing Council; and consumer educational/domestic marketing activities. The Commercial Fishing subcommittee will meet from 2:00 p.m. to 3:30 p.m. to discuss the proposed national fisheries marketing council; the U.S. fishermen joint ventures with foreign processors; quality assurance monitoring of canned tuna imports; need for extension of CCF to shoreside facilities; and need for a California Fishery Management Council. The Habitat Conservation subcommittee will meet from 3:30 p.m. to 5:30 p.m. to discuss mitigation banking; NMFS habitat conservation policy; and regulatory reform.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, DC 20235, telephone: (202) 634-9563.

Dated: February 3, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 84-3480 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Fisheries Advisory Committee; Public Meeting with Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a partially closed meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to

advise the Secretary on matters pertinent to the Department's responsibilities for marine fishery resources and on means to facilitate cooperation between public and private interests in these matters.

DATES: The meeting will convene February 22, 1984, at 9:00 a.m. and adjourn at approximately 4:00 p.m. on February 23, 1984. The closed session of the meeting will commence at 2:45 p.m. on February 23, 1984, and adjourn at 4:00 p.m.

ADDRESS: The meeting will be held at the Hilton Inn Florida Center, Orlando, Florida.

Meeting agenda. The proposed meeting agenda is as follows:

Agenda

Open session—February 22, 1984 (9:00 a.m.–11:30 a.m.) Interjurisdictional Fisheries Management panel presentation.

Open session—February 22, 1984 (1:00 p.m.–3:00 p.m.) Discussion: interjurisdictional fisheries management issues.

Open session—February 23, 1984 (8:30 a.m.–2:30 p.m.) (a) mitigation banking; (b) Year of the Ocean, and (c) subcommittee reports.

Closed session—February 23, 1984 (2:45 a.m.–4:00 p.m.) Consider and discuss the living marine resources proposals of the NOAA FY 1986 budget.

SUPPLEMENTARY INFORMATION: The Acting Assistant Secretary of Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on February 2, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item to be covered during the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C.

Section 552b(c)(9)(B) has information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other other portions of the meeting will be open to the public.

For further information or copies of minutes contact: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, NOAA, Washington, D.C. 20235. Telephone (202) 634-9563.

Dated: February 3, 1984.

Joseph W. Angelovic,
Deputy Assistant Administrator for Science
and Technology, National Marine Fisheries
Service.

[FR Doc. 84-3481 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant Exclusive Patent License; Bio-Digital Science, Inc.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Bio-Digital Sciences, Inc., having a place of business at Brookside, New Jersey 07926, an exclusive right to practice the invention embodied in U.S. Patent No. 4,035,150, "Test for Occult Blood in an Emulsified Aqueous/Organic System." The patent rights in this invention 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 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 Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: February 3, 1984.

Douglas J. Campion,
Patent Licensing, Office of Government
Inventions and Patents, U.S. Department of
Commerce, National Technical Information
Service.

[FR Doc. 84-3573 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-04-M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. [1976], notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on March 1, 1984, in Room 1605 at the United States Department of Commerce, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. (Public entrance to the building is on 14th Street, between

Pennsylvania Avenue and Constitution Avenue.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The principal agenda items for the meeting will be:

(1) Principles that should be Embodied in the Constitution and Convention of the International Telecommunication Union (ITU).

(2) High-Definition Television.

(3) Coordination Between Government and Industry Relative to Incidental and Restricted Radiation Devices.

(4) Update and Discussion of Recent Developments Relative to Radio Frequency Radiation Side Effects.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before February 29, 1984. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 10 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Executive Secretary, FMAC, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 4701, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230, telephone 202-377-0805.

Dated: February 6, 1984.

Charles L. Hutchison,

Executive Secretary, FMAC, National
Telecommunications and Information
Administration.

[FR Doc. 84-3544 Filed 2-8-84; 8:45 am]

BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the CJCS/Media- Military Relations Committee Study

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the CJCS/Media-Military Relations Committee Study has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The Chairman, Joint Chiefs of Staff (CJCS) has directed that this committee address the question of "How do we conduct military operations in a manner that safeguards the lives of our military and protects the security of the operation while keeping the American public informed through the media?"

The committee will serve the public interest by establishing general guidelines for future operations on which both the media and the Defense Department can agree.

The 15-day timely notice requirement has been waived by the Committee Management Secretariat, GSA, in order that the committee begin its deliberations as soon as possible.

Dated: February 6, 1984.

M. S. Healy,

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

[FR Doc. 84-3485 Filed 2-8-84; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for renewal 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 the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension/Reinstatement**Application for ROTC Four Year Scholarship**

DD Form 1893 is the application form used by all Services for persons applying to become candidates for consideration for the Reserve Officer Training Corps (ROTC) scholarship. Information requested pertains to the qualifications of the applicants.

Individuals; 40,000 respondents; 30,000 hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This is a revision and not for contract.

Dated: February 6, 1984.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 84-3588 Filed 2-8-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY**National Petroleum Council, Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Meeting**

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in February 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its sixteenth meeting on Thursday, February 16, 1984, starting at 9:30 a.m., in the Brussels Room of the Guest Quarters-Galleria West Hotel, 5353 Westheimer, Houston, Texas.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-2918, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 31, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-3494 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery will meet in February 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its fourteenth meeting on Wednesday and Thursday, February 8 and 9, 1984, starting at 9:00 a.m., in Room 1603, Mobil Exploration and Production Services Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 31, 1984.

William A. Vaughan,

Assistant Secretary Fossil Energy.

[FR Doc. 84-3495 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in February 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum

production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its sixteenth meeting on Wednesday, February 15, 1984, starting at 9:00 a.m., in the Geneva Room of the Guest Quarters-Galleria West Hotel, 5553 Westheimer, Houston, Texas.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 31, 1984.

William A. Vaughan,
Assistant Secretary, Fossil Energy.

[FR Doc. 84-3496 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-CA-347, to the University of Toronto, 20 milligrams of thorium-230, for use as a standard reference material for determination of the concentration of thorium-232 in minerals.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 6, 1984.

George J. Bradley, Jr.,
Principal Deputy Assistant Secretary for
International Affairs and Energy
Emergencies.

[FR Doc. 84-3599 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy, Agreements; Proposed Subsequent Arrangement; Canada and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/CA(SW)-2, from Sweden to Canada, 3 kilograms of natural uranium, and 5 kilograms of uranium depleted in the isotope U-235, for use by Eldorado Mining, Ottawa, Canada for experimental purposes.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 6, 1984

For the Department of Energy.

George J. Bradley, Jr.,
Principal Deputy Assistant Secretary for
International Affairs.

[FR Doc. 84-3602 Filed 2-8-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-795, for the sale of 0.002 grams of uranium, enriched to 33 percent in U-235, and 0.002 grams of uranium-233, for use as standard reference material by the Netherlands Energy Research Foundation.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security. This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 6, 1984.

For the Department of Energy.

George J. Bradley, Jr.,
Principal Deputy Assistant Secretary for
International Affairs.

[FR Doc. 84-3601 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of

America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/JA(EU)-29, from the Federal Republic of Germany to Japan, 2,600 grams of uranium, enriched to 10% in the isotope U-235. The material is to be utilized in the manufacture of a fuel pin by Nuclear Fuel Industries, for subsequent irradiation in the Nuclear Safety Research Reactor, and post-irradiation examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 6, 1984.

For the Department of Energy.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-3598 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following contract: Contract Number WC-SD-19, with the Ecole Polytechnique Federale de Lausanne, Switzerland, 13.3 milligrams of uranium-233, 2 milligrams of thorium-232, and 40 grams of natural thorium, for use in fusion-fission hybrid reactor research. The material is to be returned to the United States at the conclusion of the work.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 6, 1984.

For the Department of Energy.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-3600 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

State and Local Assistance Programs; Notice of DOE's Plans for Implementation of EO 12372 as They Affect Funding

AGENCY: Department of Energy.

ACTION: Notice of the Department of Energy's plans for implementation of Executive Order 12372

"Intergovernmental Review of Federal Programs" as they affect applications for funding of State and Local Assistance Programs.

SUMMARY: On June 24, 1983, the Secretary published in the *Federal Register* final regulations (10 CFR Part 1005, published at 48 FR 29174 *et seq.*) implementing Executive Order 12372 "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983. In accordance with the Order, this notice is intended to provide early notification of the Department's plans for intergovernmental review of the programs listed below:

Grant Program for Schools and Hospitals and for Buildings owned by units of local Government and Public Care Institutions (ICP), Program Regulations found at 10 CFR Part 455.

Energy Extension Service (EES), Program Regulations found at 10 CFR Part 465.

State Energy Conservation Program (SECP), Program Regulations found at 10 CFR Part 420.

Weatherization Assistance for Low-Income Persons (WAP), Program Regulations found at 10 CFR Part 440.

These programs are subject to the requirements of the Executive Order and the regulations at 10 CFR Part 1005. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened Federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows states, after consultation with local officials, to establish their own processes for review and comment on proposed Federal financial assistance;
- Allows states to select which eligible programs they wish to review;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not, and
- Revokes OMB Circular A-95.

All applications from governmental entities are covered by the Executive Order as implemented by 10 CFR Part 1005. (A Government entity is any State; independent State organization, board or commission; general purpose local government; special purpose local or regional government; nonprofit organization established by State law or local ordinance exclusively to provide a governmental service and the substantial portion of the funding for which is Federal; State and municipal colleges and universities are considered non-governmental entities.)

The following is the current list of States which have established a process and selected one or more of these programs for review, the programs selected, and the point of contact for further information concerning applicant responsibilities under that State process. If a State is not listed, it indicates that the State has either not established a process or that the State has not selected any of these programs for review.

EXECUTIVE ORDER 12372 PROGRAM COVERAGE BY STATE

| State | SECP | WAP | EES | ICP |
|---------------------|------|-----|-----|-----|
| Arizona..... | + | + | + | + |
| Arkansas..... | + | + | + | + |
| California..... | + | + | + | + |
| Colorado..... | + | - | + | - |
| Connecticut..... | + | + | + | + |
| Delaware..... | + | + | + | + |
| D.C..... | + | + | + | + |
| Florida..... | + | + | + | + |
| Georgia..... | - | + | + | - |
| Hawaii..... | + | + | + | + |
| Illinois..... | + | + | + | + |
| Indiana..... | + | + | + | + |
| Iowa..... | + | + | + | - |
| Kentucky..... | + | + | + | + |
| Louisiana..... | + | + | + | + |
| Massachusetts..... | + | + | + | + |
| Michigan..... | + | + | + | + |
| Minnesota..... | - | + | - | - |
| Mississippi..... | + | + | + | + |
| Missouri..... | + | + | + | + |
| Montana..... | + | + | + | + |
| Nebraska..... | + | + | + | + |
| Nevada..... | + | + | + | - |
| New Hampshire..... | + | + | + | + |
| New Jersey..... | + | + | + | + |
| New Mexico..... | + | + | + | + |
| New York..... | + | + | + | + |
| North Carolina..... | + | + | + | + |
| Ohio..... | + | + | + | + |
| Oklahoma..... | + | + | + | + |
| Oregon..... | + | + | + | + |
| Rhode Island..... | + | + | - | + |
| South Carolina..... | + | + | + | + |
| South Dakota..... | + | + | + | + |

EXECUTIVE ORDER 12372 PROGRAM
COVERAGE BY STATE—Continued

| State | SECP | WAP | EES | ICP |
|---|------|-----|-----|-----|
| Tennessee..... | + | + | + | + |
| Texas..... | + | + | + | + |
| Utah..... | + | + | + | + |
| Vermont..... | + | + | + | + |
| Virginia..... | + | + | + | + |
| Washington..... | + | + | + | + |
| West Virginia..... | + | + | + | + |
| Wisconsin..... | + | + | + | + |
| Wyoming..... | + | + | + | + |
| Puerto Rico..... | + | - | + | + |
| Commonwealth of the Northern Mariana Islands..... | + | + | + | + |

+ = Indicates State has selected the programs for review.
- = Indicates these programs not selected for review.

Point of Contact List

Arizona

Office of Economic Planning and
Development, State of Arizona,
Executive Tower, Room 505, 1700
W. Washington Street, Phoenix,
Arizona 85007, Tel. (602) 255-4331

Arkansas

State Clearinghouse, Office of
Intergovernmental Services,
Department of Finance and
Administration, P.O. Box 3278, Little
Rock, Arkansas 72203, Tel. (501)
371-2311

California

Office of Planning and Research, 1400
Tenth Street, Sacramento,
California 95814, Tel. (916) 445-0282

Colorado

State Clearinghouse, Division of Local
Government, 1313 Sherman Street,
Room 520, Denver Colorado 80203,
Tel. (303) 866-2156

Connecticut

Intergovernmental Review
Coordinator, Comprehensive
Planning Division, Office of Policy
and Management, 80 Washington
Street, Hartford, Connecticut 06106-
4459, Tel. (203) 566-4298

Delaware

Marna C. Whittington, Director of the
Budget Office, P.O. Box 4101, Dover,
Delaware 19903, Tel. (302) 736-4101

Florida

Ron Fahs, Executive Office of the
Governor, Office of Planning and
Budgeting, The Capital,
Tallahassee, Florida 32301, Tel.
(904) 488-8114

Georgia

Charles H. Badger, Administrator,
Georgia State Clearinghouse, 270
Washington Street, S.W., Atlanta,
Georgia 30334, Tel. (404) 656-3855

Hawaii

Kent M. Keith, Director, Department
of Planning and Economic
Development, P.O. Box 2359,
Honolulu, Hawaii 96804

Illinois

Tom Berkshire, Office of the

Governor, State of Illinois,
Springfield, Illinois 62706, Tel. (217)
782-8639

Indiana

Susan J. Kennell, State Budget
Agency, 212 State House,
Indianapolis, Indiana 46204, Tel.
(317) 232-5604

Iowa

Office of Planning and Programming,
Capital Annex, 523 East 12th Street,
Des Moines, Iowa 50319, Tel. (515)
218-6483

Kentucky

Kentucky State Clearinghouse, 2nd
Floor, Capital Plaza Tower,
Frankfort, Kentucky 40601, Tel. (502)
564-2382

Louisiana

Wallace L. Walker, Executive
Director, Louisiana State Planning
Office of the Governor, P.O. Box
44426, Baton Rouge, Louisiana
70804, Tel. (504) 342-7410

Massachusetts

Executive Office of Communities and
Development, 100 Cambridge Street,
Room 1401, Boston, Massachusetts
02202

Michigan

Carol Hoffman, Director, Office of
Business and Community
Development, Michigan Department
of Commerce, P.O. Box 30004,
Lansing, Michigan 48909, Tel. (517)
378-8363

Minnesota

Thomas N. Harren, Minnesota State
Planning Agency, Capitol Square
Building, Room 101, 550 Cedar
Street, St. Paul, Minnesota 55101,
Tel. (612) 296-3698

Mississippi

Rich Haydel, Governor's Office of
Federal State Programs, Department
of Planning and Policy, 1504 Walter
Sillers Building, 500 High Street,
Jackson, Mississippi 39202, Tel.
(601) 359-3069

Missouri

Missouri Federal Assistance
Clearinghouse, Office of
Administration, Division of Budget
and Planning, Jefferson City,
Missouri 65102, Tel. (314) 751-4834
or 751-2345

Montana

Manager, Intergovernmental Review
Clearinghouse, c/o Office of the
Lieutenant Governor, Capitol
Station, Helena, Montana 59620,
Tel. (406) 449-311 x58

Nebraska

Policy Research Office, P.O. Box
94601, Room 1321, State Capitol,
Lincoln, Nebraska 68509, Tel. (402)
417-2314

Nevada

Linda A. Ryan, Director, Office of

Community Services, Capitol
Complex, Carson City, Nevada
89710, Tel. (720) 885-4420

New Hampshire

David G. Scott, Acting Director, New
Hampshire Office of State Planning,
2½ Beacon Street, Concord, New
Hampshire 03301, Tel. (603) 271-
2155

New Jersey

Barry Skokowski, Director, Division of
Local Government Services,
Department of Community Affairs,
CN 803, 363 West Street, Trenton,
New Jersey 08625, Tel. (609) 292-
6613

New Mexico

Peter C. Pence, Director, Department
of Finance and Administration,
State of New Mexico, 515 Don
Gaspar, Santa Fe, New Mexico
87503, Tel. (505) 827-3885

New York

New York State Clearinghouse,
Division of the Budget, State
Capitol, Albany, New York 12224,
Tel. (518) 474-1605

North Carolina

Chrys Baggett, Director, State
Clearinghouse, Department of
Administration, 116 West Jones
Street, Raleigh, North Carolina
27611, Tel. (919) 733-4131

Ohio

Leonard E. Roberts, Deputy Director,
Office of Budget and Management,
State Clearinghouse, 30 East Broad
Street, Columbus Ohio 43215, Tel.
(614) 466-0699

Oklahoma

Office of Federal Assistance
Management, 4545 North Lincoln
Blvd., Oklahoma City, Oklahoma
73105, Tel. (405) 528-8200

Oregon

Intergovernmental Relations Division,
State Clearinghouse, Executive
Building, 155 Cottage Street, N.E.,
Salem, Oregon 97310, Tel. (503) 373-
1998

Rhode Island

Daniel W. Varin, Chief, Rhode Island
Statewide Planning Program, 265
Melrose Street, Providence, Rhode
Island 02907, Tel. (401) 277-2656

South Carolina

Danny L. Cromer, Grant Services,
Office of the Governor, 1205
Pendleton Street, Room 477,
Columbia South Carolina 29201, Tel.
(803) 758-2417

South Dakota

Jeff Stroup, Commissioner of the
Bureau of Intergovernmental
Relations, Second Floor, Capitol
Building, Pierre, South Dakota
57501, Tel. (605) 773-3661

Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderik Street, Nashville, Tennessee 37219, Tel. (615) 741-1676

Texas

Bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475-6156

Utah

Michael B. Zuhl, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533-5245

Vermont

State Planning Office, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828-3326

Virginia

Robert H. Kirby, Intergovernmental Review Officer, Department of Planning and Budget, P.O. Box 1422, Richmond, Virginia 23211, Tel. (804) 786-1921

Washington

Washington Planning and Community Affairs Agency, North and Columbia Building, Olympia, Washington 98504, Tel. (206) 753-2200

West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Room 553, Charleston, West Virginia 25305, Tel. (304) 348-4010

Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster Street, GEF 2, Madison, Wisconsin 53702, Tel. (608) 266-1212

Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777-7574

District of Columbia

Pauline Schneider, Director, Office of Intergovernmental Relations, Room 416, District Building, Washington, D.C. 20004

Puerto Rico

Nelson Soto, President, Puerto Rico Planning Board, P.O. Box 4119 Minilla Station, San Juan, Puerto Rico 00940, Tel. (202) 727-6265

Commonwealth of the Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

Applicants who are submitting applications subject to state process review under Executive Order 12372 should immediately get in touch with the

appropriate state point of contact to find out about and to comply with the state's process.

State, areawide, regional, and local entities not submitting comments through a state process may submit comments directly to the Department.

Covered applicants must submit their applications or such other documentation as is required by the state process, to the state process in accordance with state instructions, but in any event no later than the date the application is provided to the Department. All submissions from state single points of contact, and any other comments from state, areawide, regional, and local entities must be mailed or hand delivered to the addresses shown below no later than 60 days after the application is provided to the Department by the applicant except in the case of noncompeting continuation applications in which case the period is 30 days.

ADDRESS FOR SUBMISSION OF COMMENTS

| Send submission to | For these States |
|--|--|
| Boston Support Office, U.S. Department of Energy, 150 Causeway Street, Boston, MA 02114. | Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. |
| New York Support Office, U.S. Department of Energy, 26 Federal Plaza, Room 3200, New York, NY 10278. | New Jersey, New York, Puerto Rico, Virgin Islands. |
| Philadelphia Support Office, U.S. Department of Energy, 1421 Cherry Street, Philadelphia, PA 19102. | Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. |
| Atlanta Support Office, U.S. Department of Energy, 1655 Peachtree Street, NE., Atlanta, GA 30309. | Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. |
| Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60430. | Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. |
| Dallas Support Office, U.S. Department of Energy, P.O. Box 35228, Dallas, TX 75235. | Arkansas, Louisiana, New Mexico, Oklahoma, Texas. |
| Kansas City Support Office, U.S. Department of Energy, 324 East 11th Street, Kansas City, MO 64106. | Iowa, Kansas, Missouri, Nebraska. |
| Denver Support Office, U.S. Department of Energy, P.O. Box 26247, Belmar Branch, Lakewood, CO 80226. | Colorado, Idaho, Montana, North Dakota, South Dakota, Utah, Wyoming. |
| San Francisco Operations Office, U.S. Department of Energy, 1333 Broadway, Oakland, CA 94612. | American Samoa, Arizona, California, Guam, Hawaii, Nevada, Commonwealth of the Northern Mariana Islands, Trust Territory of the Pacific Islands. |
| Richland Operations Office, U.S. Department of Energy, P.O. Box 550, Richland, WA 99352. | Alaska, Oregon, Washington. |

Issued in Washington, D.C., January 31, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 84-3493 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

National Petroleum Council, Coordinating Subcommittee on Petroleum Inventories and Storage Capacity; Meeting

Notice is hereby given that the Coordinating Subcommittee of the National Petroleum Council's Committee on Petroleum Inventories and Storage Capacity will meet in February, 1984. The National Petroleum Council was established pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), to provide advice, information, and recommendations to the Secretary of energy on matters relating to petroleum and natural gas or the oil and gas industries. The Committee on Petroleum Inventories and Storage Capacity will study and update the analysis of minimum operating levels as well as update the estimates of total storage capacity available for use. The Subcommittee was established to assemble information and report to the Committee on matters relating to petroleum inventories and petroleum product storage capacities.

The Coordinating Subcommittee will hold its meeting on Wednesday and Thursday, February 22-23, 1984, 9:00 a.m. each day in the Corinthian Room of the Biltmore Hotel, 515 South Olive Street, Los Angeles, California.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Review draft report.
2. Review the schedule for completion of the study effort.
3. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.
4. Public Comment (10 minute rule).

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should contact Jimmie L. Petersen, Office of Oil and Gas, Energy Information Administration, Forrestal Building—Room 2H-058, Washington, D.C., 202/252-6401, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Minutes of the meeting will be available for public review and copying approximately 30 days following the

meeting at the Freedom of Information Public Reading Room, Room 1E-190, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 3, 1984.

J. Erich Evered,
Administrator, Energy Information
Administration.

[FR Doc. 84-3497 Filed 2-8-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-169-010]

ANR Pipeline Co. (Formerly Michigan Wisconsin Pipe Line Co.); Notice of Petition To Amend

February 3, 1984.

Take notice that on January 23, 1984, ANR Pipeline Company (Petitioner), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP79-169-010 a petition pursuant to Section 7(b) and 7(c) of the Natural Gas Act to amend the order issued September 25, 1979, in Docket No. CP79-169, as amended, so as to extend Petitioner's authorization to transport natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for a period through October 31, 1984, and for permission and approval to abandon a comparable service for Natural Gas Pipeline Company of America (Natural), 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 in Docket No. CP66-110 *et al.*, Midwest Gas Transmission Corporation (Midwestern) and Great Lakes Gas Transmission Company (Great Lakes) were authorized to import from Canada a total of 132,000,000 Mcf of natural gas for a period ending October 31, 1983. Petitioner further states that approximately 67,000,000 Mcf of gas authorized for import have been imported and sold and that, to enable the balance of the authorized quantity to be imported and sold, Midwestern and Great Lakes have filed a joint application to amend their authorizations. Petitioner states that Midwestern sells a portion of the imported gas to Natural and Tennessee and Petitioner provides transportation

services which enable Natural and Tennessee to receive the subject gas. Petitioner states further that Natural no longer requires the service since it has advised Midwestern it would no longer purchase Canadian gas in accordance with the arrangement authorized by the Commission.

Petitioner states that the authorization for the transportation service expired on October 31, 1983, and that it requests authority to continue the transportation service for Tennessee until October 31, 1984, and abandon the service for Natural effective October 31, 1983.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 24, 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. 84-3489 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-74-000]

Canal Electric Co.; Order Resolving Reserved Issue

Issued: February 3, 1984.

On January 6, 1984, we accepted for filing and suspended a rate schedule filed by Canal Electric Company (Canal). The rate schedule filed was a unit sale based upon an executed power contract between Canal, Commonwealth Electric Company (Commonwealth) and Cambridge Electric Light Company (Cambridge). In our order we summarily disposed of one issue, ordered a hearing on the justness and reasonableness of the rate and deferred until now disposition of the issue of whether the filing is, as characterized by Canal, an initial rate.

The executed agreement provides that Canal will recover currently its CWIP costs as allowed by the Commission

regulations. Canal's filing purports to recover 50% of its CWIP, presumably because it has characterized its filing as an initial rate which is not subject to the 6% limitation on CWIP filings imposed by the Commission's rules 18 CFR 35.26(d)(3).¹

Upon further consideration of the filing and the facts presented, we are of the belief that Canal is correct in its characterization of the rate schedule as an initial rate. The instant rate schedule involves unit sales for nuclear units heretofore uncommitted to these customers. Although Canal has two other unit sale contracts with these customers, the service provided is different under each such agreement because of the exclusive nature of each unit sales agreement. Thus, we agree with Canal that the first filing of a unit sale contract is an initial rate filing.²

Since we find that Canal's filing is an initial rate filing, the 6% limitation on CWIP recovery is not applicable. Therefore, we shall order no further modifications to the rate at this time.

The Commission orders:

(A) Canal's proposed CWIP-based charges shall remain in effect subject to the conditions expressed in the body of this order and the conditions of the January 9, 1984, which do not conflict with this order.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-3470 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

¹ "(3) Initial rates. The limitation in this paragraph does not apply to initial rate schedules filed under § 35.12." The Commission provided a mechanism for gradual inclusion of CWIP in rate base to avoid a rate surge. In the CWIP rule, initial rates were expressly excluded from the initial limitation. Inasmuch as initial rates do not supersede existing rate schedules, and therefore cannot be said to increase rates, a rate surge would not be a problem if the maximum allowable amount of CWIP were immediately included in rate base. Consequently, the initial limitation is not applicable to the initial rate filing.

² As we recognized in *Connecticut Light and Power Company*, Opinion No. 701, 52 FPC 175 (1974), unit sales look to costs associated with particular units and as such are treated differently for ratemaking purposes than sales from an entire system. Canal has chosen to utilize the unit sale arrangement exclusively; thus each of its customers bears the fixed and running costs of the particular unit, including return on investment in that unit. These fixed charges are to be paid during the term of the contract regardless of whether the unit is out of service for any reason. See also, *Public Service Company of New Hampshire*, Opinion No. 161, 22 FERC ¶61,229 (February 24, 1983).

[Docket Nos. ER84-131-000 and ER83-628-000]

Kansas Gas and Electric Co.; Order Accepting for Filing and Suspending Rates in Part, Noting Intervention, Waiving Filing Requirements, Consolidating Dockets, and Establishing Hearing and Price Squeeze Procedures

Issued: February 3, 1984.

On December 5, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing an unexecuted agreement for wholesale electric service (the "Agreement"), Rate Schedules PWM-883 and PWM-384, and a fuel adjustment clause rider applicable to full requirements service to the City of Girard, Kansas (Girard).¹ Although, to date, KG&E has provided Girard with partial requirements service under FERC Rate Schedule No. 147, the company proposes by this submittal to convert Girard to full requirements service subject to the rates currently applicable to KG&E's other full requirements wholesale customers.² Girard requested this change in service commencing August 1, 1983, due to a complete outage experienced at Girard's municipal generating plant. KG&E requests waiver of the notice requirements so that its full requirements Rate Schedule PWM-883 may become effective for service to Girard on January 31, 1984. KG&E proposes to bill under the revisions to these rates, incorporated in Rate Schedule PWM-384, beginning on February 29, 1984, when the suspension period as to these rates ends in Docket No. ER83-628-000.³

Notice of KG&E's filing was published in the *Federal Register* with comments due by December 27, 1983. On that date,

¹ See Attachment for rate schedule designations.

² The full requirements rates in Rate Schedule PWM-883 reflect settlement rates in Docket No. ER82-412-000 which were approved by letter order issued on August 1, 1983. On July 15, 1983, in Docket No. ER83-628-000, KG&E filed proposed changes in rates applicable to several customers, which included revisions to Rate Schedule PWM-883. The modifications to Rate Schedule PWM-883 are reflected in the proposed Rate Schedule PWM-384. The Commission's order in Docket No. ER83-628-000, dated September 29, 1983, *inter alia*, accepted Rate Schedule PWM-384 for filing and suspended the rates for five months, to become effective on February 29, 1984, subject to refund, 24 FERC ¶ 61,377. The proposed fuel adjustment clause rider reflects the fuel clause proposed by KG&E for full requirements service to the City of Augusta in Docket No. ER80-259-000. The Commission issued an opinion and order in the consolidated proceeding involving that docket on October 4, 1983. Opinion No. 188, 25 FERC ¶ 61,007, *Reh. denied*, 25 FERC ¶ 61,328 (Dec. 1, 1983). Pending approval of final compliance filings, rates associated with the fuel adjustment clause are being collected subject to refund.

³ See note 2, *supra*.

Girard filed a motion to intervene. Girard also requests that the unexecuted Agreement be rejected, claiming that it would impose restrictive terms not contained in KG&E's existing full requirements tariffs.⁴ If not rejected, Girard requests that the proposed Agreement not be allowed to become effective until justified by KG&E in a section 206 proceeding. While not opposing Rate Schedule PWM-883, Girard requests that Rate Schedule PWM-384 be rejected in its entirety, noting that section 35.17 of the Commission's regulations precludes the filing of increases in rates while a suspended filing applicable to the same customer is pending.⁵ Barring rejection of rate Schedule PWM-384, Girard requests that those rates be suspended for five months⁶ and that KG&E be ordered to reduce its PWM-384 rates to reflect the exclusion of all non-pollution control construction work in progress (CWIP) from rate base, consistent with Commission regulations permitting increases in CWIP only every 10 months. 18 CFR 35.26(d)(1)(ii).⁷ Finally, Girard requests consolidation of this filing with KG&E's pending rate proceeding in Docket No. ER83-628-000

⁴ Girard protests several restrictions contained in the Agreement for full requirements service, including: (1) A provision restricting its power and energy demand to a maximum of 7500 kw and a minimum of 2500 kw per month; (2) the duration of the proposed contract; (3) a provision permitting KG&E to unilaterally change the rates; (4) the waiver and liability provisions of the Agreement; (5) a provision regarding disclaimer of liability for interruption in service; and (6) the proposed effective date (January 31, 1984), which is six months beyond the date on which Girard effectively began to take full requirements service from KG&E (August 1, 1983). Girard further protests aspects of KG&E's alleged cost support. With respect to the proposed effective date, we note that Girard's existing agreement commits the city to firm partial requirements service through 1986, regardless of the operating condition of its generating units or the redetermination of a particular power year's contract demand. Therefore, there is on file a rate applicable to service from August 1, 1983 to January 31, 1984, and we find Girard's arguments supporting an August 1, 1983 effective date for the proposed filing to be groundless.

⁵ The city states that the increase in rates filed by KG&E in Docket No. ER83-628-000 and suspended until February 29, 1984, includes proposed rates applicable to Girard. However, only the changes in the partial requirements rates included in Docket No. ER83-628-000 are applicable to Girard.

⁶ In Docket No. ER83-628-000, the Commission ordered a maximum suspension of KG&E's proposed rates. Girard asserts that, because KG&E is relying upon the same test period as in Docket No. ER83-628-000, the result here should be the same. In addition, Girard claims that KG&E's requested rate of return on equity is excessive and protests KG&E's proposed end-of-period capital structure and debt costs.

⁷ Girard asserts that KG&E's rate increase in Docket No. ER83-628-999, filed on July 15, 1983, includes CWIP in rate base for Girard and that, therefore, the PWM-384 CWIP rates should be disallowed.

and alleges price squeeze and undue price discrimination.

KG&E responded to Girard's pleading by answer filed on January 11, 1984. While not objecting to Girard's intervention, KG&E opposes the city's requests for rejection of the proposed Agreement and Rate Schedule PWM-384, argues in favor of its proposed effective dates, and opposes Girard's allegations of price squeeze and price discrimination.⁸

Discussion

Pursuant to Rule 214(c) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), Girard's timely motion to intervene serves to make it a party to this proceeding.

We note that Girard's argument regarding the timing of KG&E's CWIP filings is misplaced in this case, since the company is not proposing to revise the level of its previously filed rates but, rather, is simply converting Girard's service from partial to full requirements. Under these circumstances, the limitation on CWIP (18 CFR 35.26), designed to preclude multiple increases in the *amount* of CWIP requested, is inapplicable. In addition, since the company is not proposing to amend the terms, conditions, or rate under the suspended partial requirements portion of its filing in Docket No. ER83-628-000 as it currently applies to Girard, but is simply changing the type of service which Girard receives (at the latter's request), we find that § 35.17 of our regulations does not apply. In any event, we would grant special permission for the filing under these circumstances. Because the Commission finds that KG&E's submittal substantially complies with the applicable filing requirements,⁹ we shall deny Girard's motions to reject or to summarily reject the CWIP portion of the company's rates.

As noted, the PWM-883 rate which KG&E initially seeks to implement for Girard reflects an approved settlement. Further, Girard does not oppose implementation of that rate as of January 31, 1984. Accordingly, we shall grant KG&E's request for waiver of the notice requirements and permit KG&E to apply Rate Schedule PWM-883 to Girard as requested without suspension or hearing. We shall also permit KG&E's

⁸ KG&E contends that any issue of price squeeze or price discrimination with respect to Girard's PWM rates should be litigated in Docket No. ER83-628-000 in any event, since the PWM rates proposed for Girard are identical to those proposed for other KG&E municipal customers in that docket.

⁹ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972).

proposed fuel clause rider to take effect as of January 31, 1984, inasmuch as this provision is identical to the fuel adjustment clause rider contained in the rates found to be just and reasonable by the Commission in Opinion No. 188. However, the fuel clause rider will be suspended for a nominal period so that, pending acceptance of the company's compliance filing in Docket No. ER80-259-000, revenues thereunder will remain subject to refund.

However, our preliminary review of the remainder of KG&E's submittal and the pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Therefore, we shall accept the balance of KG&E's submittal for filing and suspend it as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. We note that the Commission, in Docket No. ER83-628-000, suspended the PWM-384 rate for a period of five months, based on the preliminary finding that it may produce substantially excessive revenues. However, given the fact that KG&E is not proposing to revise that rate, we believe that a nominal suspension and refund contingency will adequately protect Girard while properly maintaining rate parity for similar services to similarly situated wholesale customers. Accordingly, we shall suspend those portions of KG&E's filing other than the PWM-883 rate and the fuel adjustment clause, to become effective, subject to refund, on February 29, 1984. Given the commonality of issues presented in Docket Nos. ER84-131-000 and ER83-628-000, we shall consolidate those dockets for purposes of hearing and decision.

Finally, in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issues raised by Girard.

The Commission orders:

(A) Girard's motion to reject KG&E's rates is hereby denied.

(B) KG&E's request for waiver of the notice requirements is hereby granted.

(C) Rate Schedule PWM-883, as applied to Girard, is hereby accepted for filing, to become effective, without suspension or hearing, on January 31,

1984; KG&E's proposed fuel clause rider is accepted for filing and suspended to become effective on January 31, 1984, subject to refund, pending acceptance of KG&E's compliance filing in Docket No. ER80-259-000; the balance of KG&E's submittal is accepted for filing and suspended, to become effective, subject to refund, on February 29, 1984.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of KG&E's rates and service schedule changes.

(E) Docket Nos. ER84-131-000 and ER83-628-000 are hereby consolidated for purposes of hearing and decision.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference shall be held for purposes of pursuing settlement, defining the scope of this proceeding, and establishing a procedural schedule. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.
Kenneth F. Plumb,
Secretary.

Attachment—Kansas Gas & Electric Company, Docket No. ER84-131-000

Rate Schedule Designations

Filing Date: December 5, 1983

Effective Date: January 31, 1984, (1, 2 and 4) February 29, 1984, (3) subject to refund

Other Party: City of Girard, Kansas

| Designation | Description |
|--|--|
| (1) Rate Schedule FERC No. 157 (Supersedes Rate Schedule FERC No. 147, as supplemented). | Agreement for full requirements service. |
| (2) Supplement No. 1 to Rate Schedule FERC No. 157. | Rate Schedule PWM-883. |
| (3) Supplement No. 2 to Rate Schedule FERC No. 157 (Supersedes Supplement No. 1). | Rate Schedule PWM-384. |
| (4) Supplement No. 3 to Rate Schedule No. 157. | Fuel Adjustment Clause Rider FAPWM-580. |

[FR Doc. 84-3471 Filed 2-9-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-736-000]

Pennsylvania-New Jersey-Maryland Interconnection and Philadelphia Electric Co.; Order Accepting for Filing and Suspending Rate Schedules, Noting Intervention, Denying Motions To Reject and To Consolidate Dockets, and Establishing Procedures

Issued: February 3, 1984.

On December 5, 1983, the Pennsylvania-New Jersey-Maryland Interconnection (PJM), on behalf of the signatories to the PJM Agreement,¹ completed² the filing of revised rate schedules under the PJM Agreement.³ PJM states that the revised schedules: (1) Increase the charge that PJM members assess each other for the use of their unutilized share of transmission system import capability from \$185/MW-Week to \$5.50/MW-Hour; (2) introduce provisions for accounting within PJM for economical energy purchased from outside systems under transaction categories other than

¹ Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, and Delmarva Power & Light Company.

² PJM initially tendered the revisions for filing on September 8, 1983. By letter dated November 2, 1983, the Director of the Commission's Office of Electric Power Regulation notified PJM that its filing was deficient. In response, PJM submitted the requisite information on December 5, 1983.

³ See Attachment A for rate schedule designations.

Economy Energy; (3) modify the procedures for allocating within PJM payments and receipts for adders on non-economy transactions with others, the procedure for sharing inadvertent interchange, and the internal billing formulae for pumping energy without replacement; and (4) revise the PJM members' shares of capability to import power from electric systems located to the west of PJM. In addition, PJM states that the proposed revisions are intended to clarify the parties' intent and to improve consistency of language or method among the schedules.

Initially, PJM requested an effective date of November 7, 1983; accordingly, it requested waiver of the notice requirements. In its subsequent filing, however, PJM states that its members would accept an effective date commencing on a Monday not later than February 6, 1984. PJM characterizes the filing as a negotiated settlement which, according to PJM, is conditioned upon the Commission's acceptance of the filing without suspension or modification. In the event that the Commission does not accept the filing without suspension or modification or permit it to become effective on the date requested, PJM states that the filing should be deemed "withdrawn, null, void, and without any effect whatsoever." PJM also requests waiver of Part 35 of the Commission's regulations, to the extent that additional supporting materials would otherwise be required.

On December 2, 1983, Philadelphia Electric Company (PE) completed⁴ the filing, on behalf of the PJM members, of a Transmission Enhancement Facilities Agreement supplementing the parties' EHV Transmission System Agreement dated August 24, 1967. The Transmission Enhancement Facilities Agreement provides for a sharing among the signatories of annual carrying charges on the investment by some of the signatories in facilities which are part of the PJM Interconnection. According to PE, the signatories have agreed to share such charges because the enhancement benefits each of the signatories.

As in the case of the PJM submittal, PE initially requested a November 7, 1983 date, together with waivers of the notice requirements and of Part 35 of the regulations. Its subsequent filing, however, indicated that the company would accept a February 6, 1984 effective date, subject to the same condition that PJM sought to attach in

the event that the filing is not accepted as tendered.

Notices of the instant filings were published in the *Federal Register*⁵ with comments due on or before October 3, 1983, as to the PJM filing, and October 18, 1983, as to the PE filing. A timely motion to intervene was filed in connection with the PJM filing by the Easton Utilities Commission of the Town of Easton, Maryland (Easton). Easton also protested the PE filing one day after the specified comment deadline. This pleading was styled as a "Second supplement" to Easton's original motion to intervene.⁶

With respect to the PJM filing, Easton requests that the Commission suspend those portions of the submittal providing for revised import capability shares for one day, set the matter for hearing, and consolidate the docket with *Town of Easton, Maryland v. Delmarva Power & Light Co. and Pennsylvania-New Jersey-Maryland Interconnection*, Docket No. EL82-1-000.⁷ Easton states that PJM has failed to submit any support for the revised import capability shares and that, as a result, it cannot determine whether the revised percentages are fair or reasonable.⁸ On October 7, 1983, Easton moved to supplement its motion to intervene,⁹ requesting that PJM's

⁵ The PJM submittal was noticed at 48 FR 43385, and the PE submittal at 48 FR 46614.

⁶ As good cause for its delay in filing, Easton states that it did not receive a copy of the Commission's notice of the PE filing until October 17, 1983, and of the filing itself until the following day. We note that PJM's filing referenced the later PE submittal and characterized the two filings as a single package to be considered together by the Commission. Thus, a separate docket was not assigned to the PE filing and it was not necessary for Easton to separately intervene in opposition to PE's proposal. Nonetheless, what is essentially a protest to PE's filing was required to be filed within the prescribed comment period.

⁷ 24 FERC ¶ 61,251 (1983), *reh. den.* 25 FERC ¶ 61,407 (1983). In Docket No. EL82-1-000, the Commission denied Easton's request to investigate the reasonableness of the PJM members' transmission allocation agreements and related practices and procedures, and terminated the proceeding. However, the Commission directed the PJM members to file portions of their agreements dealing with transmission capacity allocation percentages or the methodology for determining such percentages.

⁸ On December 15, 1983, Easton filed a letter with the Commission regarding the additional information tendered by PJM. In its letter, Easton contends that the submittal does not satisfy the deficiency letter issued by the Office of Electric Power Regulation and, accordingly, requests that PJM's filing be rejected. In the alternative, Easton requests that still further information be required.

⁹ As grounds for its motion to supplement, Easton states that it was unaware of the potential impact of the revised schedules on the Town until the purposes of the revisions were explained at a meeting held on October 4, 1983, among Easton, PJM, and Delmarva Power & Light Company.

request for waiver of Part 35 of the Commission's regulations be denied, and that the revised schedules be suspended for five months. In support of its position, Easton alleges that it cannot determine the actual impact of the revised schedules tendered by PJM.¹⁰

With respect to the submittal tendered by PE, Easton requests that the Transmission Enhancement Facilities Agreement be suspended and set for hearing in the same manner requested in Easton's first supplemental pleading. Easton contends that, in view of the 25-year duration of the Transmission Enhancement Facilities Agreement, the filing constitutes "a transparent effort by PJM to avoid the effect of the Commission's order of August 24, 1983 in Docket No. EL82-1-000" and would "lock up for 25 years a changed allocation of import capability without giving the Commission opportunity to scrutinize . . . whether the allocation is just and reasonable. . . ."

On October 18, 1983, the PJM members filed a joint answer to Easton's original motion to intervene and first supplement. The companies object to Easton's requests for suspension of and hearings on the revised transmission allocation percentages and the PJM schedules. Consistent with PJM's characterization of the filing in its transmittal letter, the PJM members urge that the Commission accept the agreement as a contested settlement pursuant to Rule 602(h)(1)(i) of the Commission's Rules of Practice and Procedure (18 CFR 385.602). The PJM utilities also request that Easton's motion to consolidate be denied. In support of their position, they dispute the allegations made by Easton and claim that Easton's pleading amounts to nothing more than an attempt to reargue points rejected by the Commission in Docket No. EL82-1-000.

On November 1, 1983, the PJM members filed an answer to Easton's second supplement, stating that the Transmission Enhancement Facilities Agreement is wholly unrelated to the allocation agreements addressed in Docket No. EL82-1-000. The PJM members deny that the filing by PE undermines the Commission's order in Docket No. EL82-1-000, and requests that the Commission accept the filing as set forth in PE's transmittal letter and the answer filed by PJM on October 18, 1983.

¹⁰ Specifically, Easton objects to revised Schedules 5.01, 5.02, 5.03, 5.05, 6.01, 6.03, 6.04, 7.01, 7.02, and 7.03.

⁴ PE initially tendered this agreement for filing on September 23, 1983. PE was also advised that its submittal was deficient by letter dated November 2, 1983.

Discussion

Pursuant to Rule 214(c) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene in this docket serves to make Easton a party to this proceeding. Further, we find that good cause exists to accept Easton's motions to supplement its original pleading, and we shall also consider the letter filed by Easton on December 15, 1983, in evaluating the instant filings. It appears that multiple comment deadlines and the need for Easton to undertake a bifurcated review of the PJM/PE submittals was largely a result of the filing parties' decision to separately tender these rate schedule changes as well as the initial deficiencies in the filings. Under these circumstances, Easton has expressed its concerns with reasonable dispatch.

We find that the filings of PJM and PE, as completed by the submission of additional information, substantially comply with Part 35 of the Commission's regulations.¹¹ Therefore, we shall deny Easton's motions to reject the filings.

Our review of the instant filings and the issues raised by Easton indicates that the filings have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.¹² Accordingly, we shall accept the submittals for filing and suspend their operation as ordered below.¹³

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), the Commission explained its suspension policy and noted that rate filings would ordinarily be suspended for a nominal period if preliminary review indicates that the submittal may be unjust and unreasonable but may not generate substantially excessive revenues as

defined in *West Texas*. In the instant case, our review indicates that the proposed rate schedule changes submitted by PJM and PE may not result in substantially excessive revenues. Accordingly, we shall suspend the filings to become effective, subject to refund, on February 6, 1984.

As indicated previously, PJM and PE state that in the event the Commission does not accept the instant submittals as filed and permit them to become effective as requested, they are to be deemed withdrawn, null, void, and without any effect. The parties to the filings may enter into such an agreement among themselves. The Federal Power Act contemplates the setting of rates, in the first instance by private parties; such agreements remain subject, however, to the Commission's "paramount power to modify them when necessary in the public interest." *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332, 334 (1956). See also *FPC v. Sierra Pacific Power Co.*, 350 U.S. 356 (1956). We note that the revised rate schedules purport to reflect a negotiated agreement among each of the PJM members. To the extent that such an underlying agreement exists, the appropriate rate schedules must remain on file pursuant to section 205 of the Federal Power Act. PJM and PE have asked only that their "filings" be considered nullities, but have not addressed the effect of any Commission action on the contractual commitments of the parties. Barring any elucidation of this point in the pleadings or in the rate schedules themselves, we are not prepared to conclude that the filings of PJM or PE may be lawfully withdrawn as a result of our suspension. In the event that all of the contracting parties have, in fact, intended that suspension would void all contractual undertakings, the parties should so advise the Commission (within 10 days of this order) together with evidence of mutuality among all PJM members. The Commission will subsequently act on any such pleading as a motion to withdraw the effective rate schedule.

Because Docket No. EL82-1-000 was previously terminated by the Commission, Easton's motion for consolidation with that docket is moot.

The Commission orders:

(A) Easton's motions to reject the filings submitted by PJM and PE or, in the alternative, to suspend them for five months are hereby denied.

(B) Easton's motions to file supplemental pleadings are hereby granted.

(C) The submittals of PJM and PE are hereby accepted for filing and

suspended to become effective as of February 6, 1984, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of the revised schedules to the PJM Agreement and the Transmission Enhancement Facilities Agreement.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. This conference shall be held for purposes of establishing a procedural schedule and defining the appropriate scope of this proceeding. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.
Kenneth F. Plumb,
Secretary.

Attachment—Rate Schedule Designations, Docket No. ER83-736

Filed: September 8, 1983

Description

- (1) Schedule 4.02, (2) Schedule 5.01, (3) Schedule 5.02, (4) Schedule 5.03, (5) Schedule 5.04, (6) Schedule 5.05, (7) Schedule 6.01, (8) Schedule 6.03, (9) Schedule 6.04, (10) Schedule 7.01, (11) Schedule 7.02, (12) Schedule 7.03

| Designation | Description |
|---|-------------|
| Supplement No. 73 (Supersedes Supplement No. 70). | (1) |
| Supplement No. 74 (Supersedes Supplement No. 4 to Supplement No. 51). | (2) |
| Supplement No. 75 (Supersedes Supplement No. 5 to Supplement No. 51). | (3) |
| Supplement No. 76 (Supersedes Supplement No. 5 to Supplement No. 47). | (4) |
| Supplement No. 77 | (5) |
| Supplement No. 78 | (6) |
| Supplement No. 79 (Supersedes Supplement No. 6 to Supplement No. 51). | (7) |
| Supplement No. 80 (Supersedes Supplement No. 16 to Supplement No. 7). | (8) |

¹¹ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971). Given our finding of substantial compliance with the filing regulations, we need not address the original requests by PJM or PE for waiver of such regulations.

¹² As discussed in *Baltimore Gas and Electric Company*, Docket No. ER83-672-000, 26 FERC ¶61,008 (1984), the parties to this proceeding should address, *inter alia*, the question of whether the proposed transmission rate for import capability would be appropriate for long-term transactions, taking into account considerations of reliability and economy, as opposed to the short-term economic transactions contemplated by PJM.

¹³ As noted, PJM and PE contend that Easton is seeking to reargue issues previously decided in Docket No. EL82-1-000. In setting the instant filings for hearing, it is not our intention to reopen questions already resolved in Docket No.

| Designation | Description |
|---|-------------|
| Supplement No. 81 (Supersedes Supplement No. 17 to Supplement No. 51). | (9) |
| Supplement No. 82 (Supersedes Supplement No. 10 to Supplement No. 51). | (10) |
| Supplement No. 83 (Supersedes Supplement No. 11 to Supplement No. 51). | (11) |
| Supplement No. 84 (Supersedes Supplement No. 15 to Supplement No. 51). | (12) |
| The above supplements apply to the following Rate Schedules: | |
| Pennsylvania Electric Company | FPC No. 24. |
| Public Service Electric and Gas Company. | FPC No. 23. |
| Philadelphia Electric Company | FPC No. 21. |
| Metropolitan Edison Company | FPC No. 7. |
| Baltimore Gas and Electric Company. | FPC No. 9. |
| Pennsylvania Power and light Company. | FPC No. 21. |
| Jersey Central Power and Light Company. | FPC No. 7. |
| Potomac Electric Power Company | |
| Supplement No. 51 (Supersedes Supplement No. 48). | (1) |
| Supplement No. 52 (Supersedes Supplement No. 4 to Supplement No. 30). | (2) |
| Supplement No. 53 (Supersedes Supplement No. 5 to Supplement No. 30). | (3) |
| Supplement No. 54 | (4) |
| Supplement No. 55 (Supersedes Supplement No. 15 to Supplement No. 30). | (5) |
| Supplement No. 56 (Supersedes Supplement No. 31). | (6) |
| Supplement No. 57 (Supersedes Supplement No. 6 to Supplement No. 30). | (7) |
| Supplement No. 58 (Supersedes Supplement No. 16 to Supplement No. 30). | (8) |
| Supplement No. 59 (Supersedes Supplement No. 17 to Supplement No. 30). | (9) |
| Supplement No. 60 (Supersedes Supplement No. 50). | (10) |
| Supplement No. 61 (Supersedes Supplement No. 11 to Supplement No. 30). | (11) |
| Supplement No. 62 (Supersedes Supplement No. 15 to Supplement No. 30 to Rate Schedule FPC No.19). | (12) |
| Atlantic City Electric Company | |
| Supplement No. 11 (Supersedes Supplement No. 8). | (1) |
| Supplement No. 12 | (2) |
| Supplement No. 13 | (3) |
| Supplement No. 14 | (4) |
| Supplement No. 15 | (5) |
| Supplement No. 16 | (6) |
| Supplement No. 17 | (7) |
| Supplement No. 18 (Supersedes Supplement No. 4). | (8) |
| Supplement No. 19 | (9) |
| Supplement No. 20 (Supersedes Supplement No. 10). | (10) |
| Supplement No. 21 | (11) |
| Supplement No. 22 | (12) |
| Delmarva Power and Light Company | |
| Supplement No. 11 (Supersedes Supplement No. 8). | (1) |
| Supplement No. 12 | (2) |
| Supplement No. 13 | (3) |
| Supplement No. 14 | (4) |
| Supplement No. 15 | (5) |
| Supplement No. 16 | (6) |
| Supplement No. 17 | (7) |
| Supplement No. 18 (Supersedes Supplement No. 4). | (8) |
| Supplement No. 19 | (9) |
| Supplement No. 20 (Supersedes Supplement No. 10). | (10) |
| Supplement No. 21 | (11) |
| Supplement No. 22 | (12) |

Finality of Oil Pipeline Valuation Reports

February 6, 1984.

The Federal Energy Regulatory Commission, by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

The Board has issued the tentative valuation report(s) for the following common carriers by oil pipeline:

| Docket No. PV- and carrier | Year(s) |
|--|-----------------------------|
| 1354-000 Acorn Pipe Line Company | 1980, 1981. |
| 1473-000 Algonquin Pipe Line Company. | 1980 (Initial). |
| 1414-000 Allegheny Pipeline Company. | 1980, 1981. |
| 1439-000 Amdel Pipeline, Inc. | 1980, 1981 |
| 1440-000 American Petrofina Pipe Line Company. | 1980. |
| 1302-000 Amoco Pipeline Company | 1980, 1981. |
| 1378-000 Arapahoe Pipe Line Company. | 1980. |
| 1329-000 ARCO Pipe Line Company | 1980, 1981. |
| 1291-000 Ashland Pipe Line Company. | 1980, 1981. |
| 1381-000 Badger Pipe Line Company. | 1980, 1981. |
| 1430-000 Belle Fourche Pipeline Company. | 1980, 1981. |
| 1425-000 Black Lake Pipe Line Company. | 1980, 1981. |
| 1322-000 Buckeye Pipe Line Company. | 1980, 1981. |
| 1382-000 Butte Pipe Line Company | 1980, 1981. |
| 1404-000 Calnev Pipe Line Company. | 1980, 1981. |
| 1452-000 Chase Transportation Company. | 1974 (Initial), 1977, 1978. |
| 1416-000 Chevron Pipe Line Company. | 1980, 1981. |
| 1368-000 Cheyenne Pipeline Company. | 1980, 1981. |
| 1427-000 Chicap Pipe Line Company. | 1980, 1981. |
| 1312-000 Cities Service Pipe Line Company. | 1980, 1981. |
| 1464-000 Cochise Pipeline System | 1979 (Initial) |
| 1433-000 Collins Pipeline Company | 1980, 1981. |
| 1422-000 Colonial Pipeline Company. | 1980. |
| 1316-000 Continental Pipe Line Company. | 1980, 1981. |
| 1426-000 Cook Inlet Pipe Line Company. | 1980, 1981. |
| 1341-000 CRA, Inc. | 1980, 1981. |
| 1365-000 Crown-Rancho Pipe Line Corporation. | 1980, 1981. |
| 1349-000 Diamond Shamrock Corporation. | 1980, 1981. |
| 1411-000 Dixie Pipeline Company | 1980, 1981. |
| 1447-000 Dome Pipeline Corporation, Eastern Delivery System. | 1979 (Initial). |
| 1467-000 Dorchester Liquid Transportation Corporation. | 1980 (Initial). |
| 1385-000 Emerald Pipe Line Corporation. | 1980, 1981. |
| 1441-000 Explorer Pipeline Company. | 1980, 1981. |
| 1394-000 Exxon Pipeline Company | 1980. |
| 1389-000 Four Corners Pipe Line Company. | 1980, 1981. |
| 1402-000 Getty Pipeline, Inc. | 1980, 1981. |
| 1436-000 Gulf Central Pipeline Company. | 1980, 1981. |
| 1323-000 Gulf Pipeline Company | 1980, 1981. |
| 1409-000 Hess Pipeline Company | 1980, 1981. |
| 1431-000 Hydrocarbon Transportation, Inc. | 1980, 1981. |
| 1406-000 Jayhawk Pipeline Corporation. | 1980, 1981. |
| 1413-000 Jet Lines, Inc. | 1980, 1981. |
| 1375-000 Kanab Pipe Line Company. | 1980, 1981. |
| 1299-000 Kaw Pipe Line Company | 1980, 1981. |
| 1399-000 Kenaf Pipe Line Company | 1980, 1981. |

| Docket No. PV- and carrier | Year(s) |
|--|---|
| 1429-000 Kerr-McGee Pipeline Corporation. | 1980, 1981. |
| 1435-000 Kiantone Pipeline Corporation. | 1980, 1981. |
| 1419-000 Lake Charles Pipe Line Company. | 1980, 1981. |
| 1354-000 Lakehead Pipe Line Company. | 1980, 1981. |
| 1403-000 Laurel Pipe Line Company | 1980, 1981. |
| 1392-000 Marathon Pipe Line Company. | 1980, 1981. |
| 1395-000 Mid-America Pipeline System. | 1980, 1981. |
| 1353-000 Mid-Valley Pipeline Company. | 1980, 1981. |
| 1384-000 Minnesota Pipe Line Company. | 1980, 1981. |
| 1448-000 Mobil Eugene Island Pipeline Company. | 1977 (Initial), 1978, 1979, 1980, 1981. |
| 1311-000 Mobil Pipe Line Company | 1980, 1981. |
| 1332-000 National Transit Company | 1980, 1981. |
| 1455-000 Ohio Oil Gathering Corporation II. | 1979 (Initial), 1980, 1981. |
| 1292-000 Ohio River Pipe Line Company. | 1980, 1981. |
| 1451-000 Okie Pipe Line Company | 1973 (Initial), 1978, 1980, 1981. |
| 1417-000 Olympic Pipe Line Company. | 1980, 1981. |
| 1453-000 Osage Pipe Line Company. | 1976 (Initial), 1977, 1978, 1979, 1980, 1981. |
| 1456-000 Owensboro-Ashland Company. | 1980, 1981. |
| 1420-000 Paloma Pipe Line Company. | 1980, 1981. |
| 1320-000 Phillips Pipe Line Company. | 1980, 1981. |
| 1372-000 Pioneer Pipe Line Company. | 1980, 1981. |
| 1343-000 Plantation Pipe Line Company. | 1980, 1981. |
| 1367-000 Platte Pipe Line Company | 1980, 1981. |
| 1458-000 Pogo Offshore Pipeline Company. | 1977 (Initial), 1978, 1979, 1980, 1981. |
| 1410-000 Portal Pipe Line Corporation. | 1980, 1981. |
| 1347-000 Portland Pipe Line Company. | 1980, 1981. |
| 1437-000 Powder River Corporation | 1980, 1981. |
| 1327-000 Pure Transportation Company. | 1980, 1981. |
| 1428-000 Sante Fe Pipeline Company. | 1980, 1981. |
| 1450-000 Seaway Pipeline, Inc. | 1977 (Initial), 1978, 1979, 1980, 1981. |
| 1369-000 Shamrock Pipe Line Corporation, The. | 1980, 1981. |
| 1326-000 Shell Pipe Line Corporation. | 1980, 1981. |
| 1335-000 Sohio Pipe Line Company | 1980, 1981. |
| 1424-000 Southcap Pipe Line Company. | 1980, 1981. |
| 1393-000 Southern Pacific Pipe Lines, Inc. | 1980, 1981. |
| 1370-000 Sun Oil Line Company of Michigan. | 1980, 1981. |
| 1315-000 Sun Pipe Line Company | 1980, 1981. |
| 1386-000 Tecumseh Pipe Line Company. | 1980, 1981. |
| 1300-000 Texaco-Cities Service Pipe Line Company. | 1980, 1981. |
| 1408-000 Texas Eastern Transmission Corporation. | 1980, 1981. |
| 1293-000 Texas-New Mexico Pipe Line Company. | 1980, 1981. |
| 1330-000 Texas Pipe Line Company, The. | 1980, 1981. |
| 1449-000 Texoma Pipe Line Company. | 1980, 1981. |
| 1466-000 Tomahawk Pipe Line Company. | 1980 (Initial), 1981. |
| 1357-000 Total Pipeline Corporation | 1980, 1981. |
| 1379-000 Trans Mountain Oil Pipe Line Corporation. | 1980, 1981. |
| 1412-000 Trans-Ohio Pipeline Company. | 1980, 1981. |
| 1388-000 West Emerald Pipe Line Corporation. | 1980, 1981. |
| 1463-000 Western Oil Transportation Company, Inc. | 1978 (Initial), 1979. |
| 1396-000 West Shore Pipe Line Company. | 1980, 1981. |
| 1362-000 West Texas Gulf Pipe Line Company. | 1980, 1981. |

[FR Doc. 84-3472 Filed 2-8-84; 8:45 am]

| Docket No. PV- and carrier | Year(s) |
|---|-------------|
| 1421-000 White Shoal Pipeline Corporation | 1980, 1981. |
| 1423-000 Williams Pipe Line Company. | 1980, 1981. |
| 1377-000 Wolverine Pipe Line Company. | 1980, 1981. |
| 1355-000 Wyco Pipe Line Company... | 1980, 1981. |
| 1373-000 Yellowstone Pipe Line Company. | 1980, 1981. |

Notice is hereby given that protests were made and subsequently withdrawn for Sohio Pipeline Company's (Sohio) 1980 and 1981 valuation reports. No protests to valuation reports of the other listed carriers have been received. Except for Sohio, all valuations are final as of the date issued by the Board. Sohio filed for withdrawal of protest on October 21, 1983 and pursuant to Rule 216 (FERC section 28,826) the withdrawal became effective 15 days later; consequently, Sohio's valuations are final.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 84-3473 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-28-000]

El Paso Electric Co.; Application

February 6, 1984.

Take notice that on January 20, 1984, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act to issue and sell in a private placement to institutional investors up to \$50 million principal amount of Long-Term Promissory Notes and possibly to issue up to a like amount of Second Mortgage Bonds to secure the notes.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before February 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3579 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-19-000]

Gulf States Utilities Co.; Amended Application¹

February 6, 1984.

On January 23, 1984, Gulf States Utilities Company (Applicant) filed an amendment to its application, pursuant to Section 204 of the Federal Power Act, seeking an increase in its authorization from 5,000,000 to 6,000,000 shares of Common Stock, without par value, to be issued over a two-year period.

Any persons desiring to be heard or to make any protest with reference to the application should, on or before February 23, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3581 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-218-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Certificate

February 3, 1984.

Take notice that on January 30, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-218-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Panhandle proposes to transport natural gas for eligible end-users under the authorization issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Panhandle proposes to transport up to 8,000 Mcf of natural gas per day and up to 2,200,000 Mcf of natural gas per year on behalf of seven end-user customers¹ of Citizens Gas and Coke Utility (Citizens). It is asserted that Panhandle would receive gas from its participating producers in the states of Texas and Oklahoma and deliver this

¹Amends a notice issued December 3, 1983 (48 FR 55317, December 12, 1983).

²The following companies have been listed as the end-user customers: Reilly Tar & Chemical Corporation, National Starch & Chemical Corporation, National By-Products Company, Inc., ILWD, Inc., Detroit Diesel Allison Plant #3 G.M.C., U.S.-Corrugated Fiber Box Company, Inc., RCA.

released gas to Citizens at an existing interconnection in Marion County, Indiana, for distribution to the seven end-users. It is further asserted that Panhandle's transportation charge would be based upon Panhandle's Rate Schedule IT and there is no 5-cent AIC charge proposed.

The end-user customers would use the gas transported for boiler use as an alternative for residual oil, it is explained. Panhandle states that no new facilities are needed to effectuate the proposed transportation services which are now being performed pursuant to section 157.209(e)(1) and would continue for ninety days after issuance of a certificate approving Panhandle's transportation agreement with the PanMark Gas Company in Docket No. CP83-333-000, *et al.*; if no such certificate is granted, service would terminate at 11:50 p.m. on June 30, 1985, or upon thirty-day written notice whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3584 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-192-000]

Tennessee Gas Pipe Line Co.; Application

February 6, 1984.

Take notice that on January 9, 1984,¹ Tennessee Gas Pipe Line Company (Applicant), 1200 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219, filed in Docket No. CP84-192-000 an application pursuant to

¹The application was initially tendered for filing on January 9, 1984; however, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until January 12, 1984; thus, filing was not completed until the latter date.

Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in the first quarter of 1983, it merged into United Cities Gas Company (UCG) with UCG's being the surviving corporation and Applicant's being the disappearing corporation. Applicant explains that prior to the merger it operated a 12.61-mile transportation pipeline from a point on the main transmission line of Texas Eastern Transmission Corporation near Smyrna, Tennessee, to the UCG city gate at Murfreesboro, Tennessee. It is stated that as the population of its Murfreesboro franchise area has increased, UCG has utilized Applicant's transmission line as a part of its distribution system. It is asserted that with the merger, Applicant and UCG have become one entity and the gas originally sold to UCG and transported by Applicant is now transported by UCG as part of its distribution operation.

Applicant states that all of the gas is received and distributed within the boundaries of the State of Tennessee. It is further stated that UCG is wholly regulated by the Tennessee Public Service Commission. Applicant avers that all of its gas supply for the State of Tennessee is purchased and sold within Tennessee. Applicant, therefore, requests a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 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). 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 proceedings. 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. 84-3585 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-91-001]

**Carolina Cogeneration Co., Inc.;
Application for Commission
Certification of Qualifying Status of a
Cogeneration Facility**

February 6, 1984.

On January 13, 1984, Carolina Cogeneration Company, Inc. (Applicant), c/o SJE Investments, 1960 Lincoln Park West, Chicago, Illinois 60614 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The combined-cycle cogeneration facility will be located at the Texasgulf, Inc. phosphate complex, Little Creek Facility, near Aurora, North Carolina. The primary energy source for the facility will be low-Btu gas derived from biomass which is in the form of peat. The facility will consist of a combustion turbine generator, a waste heat recovery steam boiler, and a steam turbine generator. The useful thermal energy output will be used in a peat drying process and in production processes by Texasgulf, Inc. The electric power production capacity of the facility will be 44.5 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3578 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-143-000]

**Georgetown Irrigation Co.; Application
for Commission Certification of
Qualifying Status of a Small Power
Production Facility**

February 6, 1984.

On January 23, 1984, Georgetown Irrigation Company (Applicant), of P.O. Box 44, Georgetown, Idaho 83239, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 300 kW hydroelectric facility (P-6445-000) is located near Georgetown Creek in Bear Lake County, Idaho.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State, or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3580 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-136-000]

Mutual Energy Co., Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 6, 1984.

On January 23, 1984, Mutual Energy Co., Inc. (Applicant), of 3451 Longview Drive, Suite 130, North Highlands, California 95660, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 315 kW hydroelectric facility (P-7686) is located near South Gooding Main Canal in Gooding County, Idaho.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-3582 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-76-000]

Northwest Pipeline Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 6, 1984.

On November 29, 1983, Northwest Pipeline Corporation (Applicant), of 295 Chipeta Way, Salt Lake City, Utah 84108, submitted for filing an application for certification of a facility as a qualifying facility pursuant to § 292.207 of the Commission's regulations. On January 24, 1984, the Applicant filed supplemental information. No determination has been made that the submittal constitutes a complete filing.

The combined-cycle cogeneration facility will be located at the Applicant's existing gas conditioning/extraction plant in Ignacio, La Plata County, Colorado. The primary energy source for the facility will be natural gas. The facility will consist of three gas turbine driven compressor units, three waste heat recovery boilers, and a steam turbine generator. The useful thermal energy output, which will be in the form of process steam, will be used for building heat, regeneration heat for the amine and fractionation reboilers, and heat tracing. The electric power production capacity of the facility will be 6.2 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-3583 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-138-000]

Valley View Energy Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 6, 1984.

On January 17, 1984, Valley View Energy Corporation (Applicant), of 4100 InterFirst One, Dallas, Texas 75202, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located five miles northeast of Hereford, Texas. The electric power production capacity will be 42 megawatts. The primary energy source will be biomass. Supplemental oil or gas will only be used for boiler light off and standby fuel.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-3586 Filed 2-8-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-5914A/142A/143A; TSH-FRL 2524-3]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's

approval of four applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-16, TME-84-17, TME-84-18 and TME-84-19. The test marketing conditions are described below.

EFFECTIVE DATE: February 2, 1984.

FOR FURTHER INFORMATION CONTACT: Joe B. Boyd, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-202, 401 M St. SW., Washington, D.C. 20460 (202-382-3739).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements, and to 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.

EPA hereby approves TME-48-16, TME-84-17, TME-84-18, and TME-84-19. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes, number of workers exposed to the new chemicals, and the levels and durations of exposure must not exceed those specified in the applications. All other conditions described in the applications must be met.

The following additional restrictions apply to TME-84-16: workers are required to wear full-face respirators and protective gloves during manufacturing and processing operations that involve transfer of the substance. The Material Safety Data Sheet (MSDS) must include the requirements for workers to wear full-face respirators and gloves. Processing operations arranged under contract with another company (hereinafter "the Contract Manufacturer") must include an agreement that the workers will be subject to the same MSDS requirements. The manufacturer of TME-84-16 (hereinafter "the Company") may not cause TME-84-16 to be processed by any other person, except under the restrictions imposed in this exemption and subject to the following:

1. The Contract Manufacturer must be under contract to the Company to process TME-84-16 solely for the

Company and may not distribute the substance to any person other than the Company. The contract must specify: the identity of the substance; the total quantity to be processed; the process to be used for processing; and the location of the processing site.

2. The contract shall include a copy of this exemption as an express provision of the contract and shall expressly provide that processing of TME-84-16 by the Contract Manufacturer must comply with the restrictions imposed by the TME. The company is responsible for insuring that the Contract Manufacturer complies with the terms of the TME and the contract. The Company acknowledges that, for the purposes of processing the substance, the Contract Manufacturer is acting as the Company's agent.

3. The Company shall provide to EPA a copy of any such contract, within ten days of the date the contract is signed, and shall provide to EPA the name of the Contract Manufacturer, the process to be used for processing, and the location of processing site, to the extent this information is not contained in the copy of the contract.

4. The Company shall notify EPA within ten days of receipt of any information which indicates that the Contract Manufacturer has failed to comply with the contract provision specified above.

5. The Company shall immediately cease to have any TME-84-16 substance processed by, to obtain any TME-84-16 substance from, or to provide any TME-84-16 substance to a Contract Manufacturer, if the Company or the Agency determines that the Contract Manufacturer is not in compliance with the terms of the contract provisions previously specified. The Company shall maintain records of any such determination, and documentation that any activities described in the above paragraphs have ceased, including the dates in which they were terminated.

TME 84-16

Date of Receipt: November 29, 1983.
Notice of Receipt: December 16, 1983 (48 FR 55915).

Voluntary Suspension of Review Period: December 16, 1983 through January 15, 1984.

Applicant: Confidential.
Chemical: (Generic) Methyl-oxo-ethyl-disubstituted heteromonocycle.

Use: (Generic) A destructive use.
Production Volume: Confidential.
Number of Customers: Confidential.
Exposure Information: Confidential.
Test Marketing Period: 90 days.
Commencing on: February 2, 1984.

Risk Assessment: Based on analogy with structurally related substances, the

Agency identified potential health effect concerns. In addition, actual test data showed severe eye irritation. However, worker exposure is expected to be very low and EPA is granting this TME subject to the conditions outlined above. Although EPA identified ecological effect concerns, no environmental releases are expected. Therefore, the test market substance should not pose any unreasonable environmental risk.

Public Comments: None

TME 84-17

Date of Receipt: December 20, 1983.
Notice of Receipt: January 6, 1984 (49 FR 929).

Applicant: Confidential.
Chemical: (Generic) Copolymer of acrylic acid with alkyl methacrylates and an alkyl acrylate.

Use: Dispersive use as an industrially applied coating.

Production Volume: 2000 kg.
Number of Customers: 5.

Exposure Information: Manufacturer and processing; dermal, a total of 15 workers, up to 2 hrs/day, up to 16 days/yr.

Test Marketing Period: 75 days.
Commencing on: February 2, 1984.

Exposure Information: Manufacturer and processing; dermal, a total of 15 workers, up to 2 hrs/day, up to 16 days/yr.

Test Marketing Period: 75 days.
Commencing on: February 2, 1984.

Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure to the test market substance is expected to be low. Due to expected low releases, the test market substance should not pose an unreasonable environmental risk.

Public Comments: None.

TME 94-18

Date of Receipt: December 21, 1983.
Notice of Receipt: January 6, 1984 (49 FR 932).

Applicant: CasChem Incorporated.
Chemical: (G) Castor oil polymer.
Use: Used for industrial applications.
Production Volume: Confidential.
Number of Customers: 20.

Worker Exposure: Manufacture; dermal and inhalation, a total of 20-40 workers, up to 20 min/day.

Test Marketing Period: 1 year.
Commencing on: February 2, 1984.

Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure to the test market substance is expected to be low. Due to expected low releases, the test market substance should not pose an unreasonable environmental risk.

Public Comments: None.

TME 83-19

Date of Receipt: December 23, 1983.

Notice of Receipt: January 6, 1984 (49 FR 932).

Applicant: American Hoechst Corporation.

Chemical: Benzenediazonium, 2-methoxy-4-(phenylamino)-, sulfate.

Use: Diazo photoresist produced to improve photospeed.

Production Volume: <1 kg.

Number of Customers: 1.

Exposure Information: It was stated that there will be a one time only exposure during the weighing of the substance by one technician under the supervision of a chemist. Duration of the weighing operation is one-half hour. The material will be handled in a fume hood and the technician will wear a lab coat, rubber gloves, and safety glasses.

Test Marketing Period: 3 months.

Commencing on: February 2, 1984.

Risk Assessment: No significant health concerns were identified. The estimated worker exposure to the test market substance is expected to be low. Although the substance is analogous to substances which exhibit adverse ecological effects, no environmental releases are expected. Therefore, the test market substance should not pose any unreasonable environmental risk.

Public Comments: None.

The Agency reserves the right to rescind approval 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 an unreasonable risk to health or the environment.

Dated: February 2, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-3506 Filed 2-9-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51505; TSH-FRL 2524-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final

rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of eighteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 84-360—April 25, 1984.

PMN 84-361, 84-362 and 84-364—April 28, 1984.

PMN 84-365, 84-366, 84-367, 84-368, 84-369, 84-370, 84-371, 84-372 and 84-373—April 29, 1984.

PMN 84-374, 84-375 and 84-376—April 30, 1984.

PMN 84-377—May 1, 1984.

Written comments by:

PMN 84-360—March 26, 1984.

PMN 84-361, 84-362 and 84-364—March 29, 1984.

PMN 84-365, 84-366, 84-367, 84-368, 84-369, 84-370, 84-371, 84-372 and 84-373—March 30, 1984.

PMN 84-374, 84-375 and 84-376—March 31, 1984.

PMN 84-377—April 1, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51505]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:

Margaret Stasikowski, Acting Chief, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-360

Importer: Confidential.

Chemical: (G) Substituted nonyl phenol polymer.

Use/Import: (S) Industrial and consumer emulsifier for a disperse dye carrier for polyester. Import range: Confidential.

Toxicity Data. Acute oral: > 7,500 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Biodegradability (static method)—22% after 28 days; LC50_{96 hrs} (Zebra fish)—320 mg/l

Toxicity Data. Acute oral: > 7,500 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; biodegradability

(static method)—22% after 28 days; LC₅₀ 96 hrs (Zebra fish)—320 mg/l of water; IC₅₀ — > 1 g/l.

Exposure. Processing: a total of 1 worker, ½ hr.

Environmental Release/Disposal. Disposal by on-site biological treatment system.

PMN 84-361

Importer: Confidential.

Chemical: (G) Substituted cyclohexane.

Use/Import: (G) Highly dispersive use. Import range: Confidential.

Toxicity Data. Acute oral: > 8,000 mg/kg; Acute dermal: 2,000–8,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Slight to moderate; Phototoxicity—Negative; Skin sensitization: Non-sensitizer.

Exposure: Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-362

Manufacture: Confidential.

Chemical: (G) Poly amido-amine.

Use/Production: (G) Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure: Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-364

Manufacturer: Adhesive Engineering Company.

Chemical: (G) Amine adduct of fatty acid glycidyl ester.

Use/Production: (S) Commercial curing agent or epoxy adhesives used in underwater application. Prod. range: 1,000–4,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 2 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. 0.1 kg/batch released to water. Disposal by approved off site disposal.

PMN 84-365

Manufacturer: Confidential.

Chemical: (G) Vinyl ether monomer.

Use/Production: (S) Site limited and industrial intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 4,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Inhalation: 983 parts per million (ppm).

Exposure: Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

PMN 84-366

Manufacturer. Confidential.

Chemical. (G) Vinyl ether monomer.

Use/Production. (S) Site limited and industrial intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 4,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Inhalation: 983 (ppm).

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

PMN 84-367

Manufacturer. Confidential.

Chemical. (G) Vinyl ether monomers.

Use/Production. (S) Site limited and industrial intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

PMN 84-368

Manufacturer. Confidential.

Chemical. (G) Substituted styrene, substituted acrylate, derivatized copolymer.

Use/Production. (G) Polymer manufacturing. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal: > 2.0 g/kg; Irritation: Skin—Non-irritation; Eye—Non-irritant.

Exposure. Manufacture: dermal, a total of 6 workers.

Environmental Release/Disposal. Release to water. Disposal by incineration.

PMN 84-369

Manufacturer. Confidential.

Chemical. (S)

Benzenemethanaminium: 4-ethenyl-N-dodecyl-N,N-dimethyl chloride.

Use/Production. (G) Emulsion polymerization intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: dermal, a total of 6 workers.

Environmental Release/Disposal. Release to water. Disposal by incineration.

PMN 84-370

Manufacturer. Confidential.

Chemical. (G) (Substituted-heterocycle)alkylamine derivative.

Use/Import. (G) Adjuvant for polymers, contained use. Import range: Confidential.

Toxicity Data. Acute oral: > 2,500 mg/kg; Irritation: Skin—Minimal, Eye—Slight; Ames Test: Negative.

Exposure. Import: dermal and inhalation, a total of 50–150 workers, up to 1–2 hrs/da, up to 200 da/yr.

Environmental Release/Disposal.

Less the 150 kg-yr released to air. Disposal by incineration and landfill.

PMN 84-371

Manufacturer. Confidential.

Chemical. (G) Polymer of acrylate and methacrylate esters.

Use/Production. (G) Binder for an industrial use coating (open use). Prod. range: 1,500–2,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 19 workers, up to 3 hrs/da, up to 22 da/yr.

Environmental Release/Disposal. 0.2–10 kg/batch released to land. Disposal by incineration and approved landfill.

PMN 84-372

Importer. EM Industries, Inc.

Chemical. (G) 4-(substituted cycloalkyl)-alkoxybenzene.

Use/Import. (S) Industrial mixture used to manufacture displays (watches, instruments, calculators, computers etc). Import range: Confidential.

Toxicity Data. Acute Oral: > 5,000 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant; Ames Test: Negative.

Exposure. Processing: dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

PMN 84-373

Importer. EM Industries, Inc.

Chemical. (G) 4-(substituted cycloalkyl)-alkoxybenzene.

Use/Import. (S) Industrial mixture used to manufacture displays (watches, instruments, calculators, computers, etc). Import range: Confidential.

Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant; Ames Test: Negative.

Exposure. Processing: dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

PMN 84-374

Manufacturer. Confidential.

Chemical. (S) Polymer of: Neopentyl glycol; phthalic anhydride; adipic acid; isophthalic acid; benzoic acid; trimethylol propane.

Use/Production. (G) Open use. Prod. range: 5,000–9,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 2 hrs/da.

Environmental Release/Disposal.

Minimal release to air. Disposal by approved landfill.

PMN 84-375

Manufacturer. Confidential.

Chemical. (G) Sodium salt of alkyl dithiocarbamates.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers.

Environmental Release/Disposal. 0.4–1.6 kg/batch released to water. Disposal by publicly owned treatment works (POTW) and deep well.

PMN 84-376

Manufacturer. Confidential.

Chemical. (G) Aryl esters of alkyl dithiocarbamates.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 8 workers.

Environmental Release/Disposal. 0.5–4.0 kg/batch released to water. Disposal by POTW and deep well.

PMN 84-377

Manufacturer. Hercules Incorporated.

Chemical. (G) Organotungsten compound.

Use/Production. (S) Industrial component for polymerization catalyst. Reaction injection molding dicyclopentadiene. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 7 workers, up to 8 hrs/da, up to 330 da/yr.

Environmental Release/Disposal. No release.

Dated: February 3, 1984.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 84-3507 Filed 2-8-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00174 PH FRL 2523-8]

State-FIFRA Issues Research and Evaluation Group; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a one-day meeting of the State FIFRA Issues Research and Evaluation Group

(SFIREG). The meeting will be open to the public.

DATE: Thursday, March 1, 1984, beginning at 8:30 a.m. and ending prior to 12 noon.

ADDRESS: The meeting will be held at: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington VA 22202.

FOR FURTHER INFORMATION CONTACT: By mail Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-7096).

SUPPLEMENTARY INFORMATION: The tentative agenda thus far includes the following topics:

1. Action items from the December 1983 meeting of the full Group (List available from Mr. Gray's office.).
2. Regional reports.
3. Working Committee reports.
4. Other topics which may have arisen during the February 27-29, 1984 meeting of the Association of American Pesticide Control Officials.

Dated: February 3, 1984.

James M. Conlon,
Acting Director, Office of Pesticide Programs.

[FR Doc. 84-3508 Filed 2-8-84; 8:45 am]
BILLING CODE 6560-50-M

[WH-FRL-25-22-3]

Reallotment of Funds Under Wastewater Treatment Works Construction Grants Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of reallotment of funds under Wastewater Treatment Works Construction Grants Program (40 CFR Part 35, Subpart I).

SUMMARY: This notice announces the distribution of unobligated fiscal year (FY) 1982 construction grant funds subject to reallotment after September 30, 1983, under section 205 of the Clean Water Act, 33 U.S.C. 1285; and explains the procedure by which the reallotment distribution was determined.

Section 205(d) of the Clean Water Act (the Act) requires that funds allotted for FY and beyond which are not obligated by the end of the initial allotment availability period * * * shall be immediately reallotted by the Administrator * * *. This notice advises the public of the amounts available to the eligible States to be

added to their allotments for grants for the construction of municipal wastewater treatment facilities. Under section 205(d), these funds are available for obligation until September 30, 1985.

DATE: February 9, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Arnold B. Speiser, Program Policy Branch, Municipal Construction Division (WH-547), Office of Water Program Operations, (202) 382-7377.

SUPPLEMENTARY INFORMATION: Sums allotted to a State under section 205 of the Act remain available for obligation during the fiscal year in which appropriated and the following 12 months (40 CFR 35.2010(b)). Funds not obligated at the end of the period of availability are reallotted to the States which fully obligated their allotments. \$2,400,000,000 was appropriated by Pub. L. 97-216 for FY 1982. At the close of the availability period for the FY 1982 allotment (September 30, 1983), States and territories had not obligated \$13,404,822 of the \$2.4 billion available in FY 1982 allotments.

As explained below, not all of the unobligated funds remaining after the period of availability are subject to reallotment at this time. Due to several exceptions, the total amount reallotted is \$9,145,271. These exceptions are as follows:

1. *Northern Mariana Islands:* Section 3(b)(2) of Pub. L. 95-348 (1978) provides that any funds made available to the Northern Mariana Islands 9(NMI) by the Congress after March 24, 1976 * * * are hereby authorized to remain available until expended." Accordingly, construction grant funds allotted to the NMI which remain unobligated at the close of the period of availability prescribed by section 205(d) of the Act are not subject to reallotment. The amount remaining is \$225,700 in FY 1982 funds. However, since only those States which fully obligate their allotments during the allotment availability period can participate in the reallotment process, NMI is not a participant in the reallotment of the unobligated balances of other States.

2. *New York City Convention Center Project:* Section 205(k) of the Act (as amended by Pub. L. 97-117) required a separate allotment of funds appropriated for FY 1982 to fund a connection sewer to serve the New York City Convention Center. Pub. L. 97-216 (Urgent FY 1982 Supplemental Appropriations Act) provided that the section 205(k) allotment be drawn in three equal parts from New York's construction grants allotment, New Jersey's construction grants allotment and the remaining States' construction

grants funds. EPA established this separate allotment of \$2,799,000, which remains unobligated. Because section 205(d) does not require the reallotment of unobligated section 205(k) funds at the end of FY 1983, neither New York nor New Jersey are considered as States which failed to obligate their FY 1982 allotments. Consequently, they were not precluded, on the basis of the 205(k) funds, from receiving their respective shares of the reallotted funds.

If the Administrator ultimately determines that the project will not be constructed due to the availability of other conveyance/treatment facilities to serve the Convention Center, the funds will be distributed to the States from which they were derived and in the same manner.

3. *EPA Region V:* FY 1982 funds in the amounts of \$58,370 in Illinois, \$166,142 in Minnesota and \$1,010,339 in Ohio were unobligated after September 30, 1983. Because the balances resulted from grant transaction errors in the EPA Regional Office, these funds are not being reallotted.

Reallotment Procedure

To distribute the \$9,145,271 balance subject to reallotment in accordance with the requirements of section 205(d) of the Act, the following procedure was used:

1. The percentages listed in section 205(c)(2) of the Act (as amended by Pub. L. 97-117) were adjusted to reflect the absence of States which had not fully obligated their funds (§ 35.2010(b)).

2. The resulting percentages were applied to the \$9,145,271 to arrive at the individual State allotments.

3. The resulting figures (rounded to the nearest \$100) are listed in the table which follows. The table also identifies the States which did not fully obligate their funds and the amounts subject to reallotment.

| State | Subject to reallotment | Reallotment |
|-------------------|------------------------|-------------|
| Alabama | | 130,200 |
| Alaska | | 69,700 |
| Arizona | | 78,700 |
| Arkansas | | 76,200 |
| California | | 832,800 |
| Colorado | 157,959 | |
| Connecticut | 419,681 | |
| Delaware | 225,959 | |
| Dist. of Columbia | 472,404 | |
| Florida | | 399,100 |
| Georgia | | 196,900 |
| Hawaii | 93,624 | |
| Idaho | | 56,700 |
| Illinois | | 526,600 |
| Indiana | | 280,600 |
| Iowa | | 157,600 |
| Kansas | | 105,100 |
| Kentucky | | 148,200 |
| Louisiana | 1,041,907 | |
| Maine | | 98,900 |
| Maryland | 263,685 | |
| Massachusetts | | 395,400 |

| State | Subject to reallocation | Reallocation |
|------------------------------------|-------------------------|------------------------|
| Michigan | 1,006,399 | |
| Minnesota | | 214,000 |
| Mississippi | | 104,900 |
| Missouri | | 322,800 |
| Montana | | 56,700 |
| Nebraska | | 59,600 |
| Nevada | | 56,700 |
| New Hampshire | 398,937 | |
| New Jersey | | 475,800 |
| New Mexico | | 56,700 |
| New York | | 1,292,071 |
| North Carolina | | 210,200 |
| North Dakota | 20,568 | |
| Ohio | | 655,500 |
| Oklahoma | | 94,100 |
| Oregon | | 131,500 |
| Pennsylvania | | 461,300 |
| Rhode Island | | 77,100 |
| South Carolina | 671,387 | |
| South Dakota | | 56,700 |
| Tennessee | | 169,200 |
| Texas | | 442,400 |
| Utah | | 61,400 |
| Vermont | 414,385 | |
| Virginia | | 238,300 |
| Washington | 1,250,430 | |
| West Virginia | 211,428 | |
| Wisconsin | | 314,800 |
| Wyoming | | 56,700 |
| Guam | 70,320 | |
| Puerto Rico | 2,217,096 | |
| Virgin Islands | 71,464 | |
| American Samoa | 58,102 | |
| Trust Territory of Pacific Islands | 79,536 | |
| Northern Mariana Islands | | |
| Total | 9,145,271 | ¹ 9,145,271 |

¹ Individual reallocations rounded to \$100 except for New York which received the \$71 difference between the true total (\$9,145,271) and the rounded total (\$9,145,200).

These funds are available for obligation until September 30, 1985. After that date, unobligated balances will be reallocated under section 205(d) of the Act (§ 35.2010). Grants from these funds may be awarded as of the date of issuance of advices of allowance to the EPA Regional Administrators by the Comptroller of EPA.

Dated: January 27, 1984.

William D. Ruckelshaus,
Administrator.

[FR Doc. 84-3381 Filed 2-9-84; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Application Solicitation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final FY 1984 Program Announcement/Application Solicitation.

SUMMARY: Federal Mediation and Conciliation Service (FMCS) published the draft Fiscal Year 1984 Program Announcement for the Labor-Management Cooperation Program in the December 6, 1983 issue (48 FR 54697) of the *Federal Register*. Extensive written public comments from area labor-management committees were received, resulting in several changes.

The deadline for application submission has been changed from from May 1, 1984 to May 15, 1984.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, Director, Labor-Management Grant Programs, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, DC 20427.

SUPPLEMENTARY INFORMATION:

Extensive comments were received concerning various aspects of the draft FY 84 Program Announcement/Application Solicitation. The following major issues were specifically addressed: (a) No funding should be provided for public sector labor-management committee; (b) the Employee Recognition Program should be eliminated as a specific model for in-plant labor-management committees; (c) the requirement for individual project evaluations should be dropped in favor of other evaluation alternatives; (d) the restriction against funding two committees of the same category from the same jurisdiction should be eliminated; (e) funding of applications should not be separated into four committee categories; (f) the 10 percent cash match requirement should be changed to a 10 percent in-kind match requirement; (g) the application deadline should be moved from May 1, 1984 to June 1, 1984; and (h) the potential project funding period should be extended past the present maximum of three years.

Upon consideration of these comments, the following decisions/changes have been made: (a) Public sector committees will continue to be eligible for funding. Congressional intent supports the inclusion of public sector employees; (b) the Employee Recognition Program (ERP) has been eliminated. FMCS will consider any innovative or unique approach submitted under the in-plant category. The ERP model was based upon the efforts of Diamond International Corporation under a prior FMCS grant. Those individuals wishing to know more about those efforts are encouraged to contact Dan Boyle, Diamond International Corporation, P.O. Box 230, Palmer, Massachusetts 01069. Applicants may submit applications based upon the Diamond International Corporation effort if they desire; (c) individual project evaluations will not be required. FMCS will provide a national evaluation of selected grantees; (d) the restriction against funding two committees of the same category from the same jurisdiction has been eliminated; (e) the four categories of committees will initially be separated and scored independently. FMCS

anticipates at least two grant awards in each category. Remaining applications will be awarded according to highest score, regardless of category; (f) the 10 percent cash match remains in effect; (g) the application deadline has been changed to May 15, 1984; and (h) the potential project funding period remains a maximum of three years.

Labor-Management Cooperation Program Application Solicitation—FY 1984

A. Introduction

The following is the final announcement for the Fiscal Year 1984 cycle of the Labor-Management Cooperation Program. These guidelines represent the fourth year of efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was approved in October 1978.

The Act generally authorized FMCS to:

Provide assistance in the establishment and operation of plant, area, and industrywide labor and management committees which—

- Have been organized jointly by employers and labor organizations representing employees in that plant, area, or industry; and
- Are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Act also prohibited FMCS from awarding any grants or contracts under the following three circumstances:

- No assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;
- No assistance can be given for an area or industrywide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of the employees of an employer participating in such a committee. However, employers whose employees are not represented by a labor organization may participate on such area or industrywide committees; and
- No assistance can be given to any committee which FMCS finds to have as one of its purposes the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the

interference with collective bargaining in any plant or industry.

With respect to item (2) above, applicants for area or industrywide grants should offer committee memberships to every labor organization having a collective bargaining contract with any employer participating on the committee. Any labor organization so desiring may voluntarily elect not to participate on the Committee. Documentation of all this (i.e., the listing of each participating employer and corresponding labor organizations and written declinations those labor organizations not electing to participate on the committee) should be included as part of the application.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, areawide, industry, or public sector labor-management committee. Directions for obtaining an application kit may be found in Section F.

B. Program Description

Objectives

The Labor Management Cooperation Act of 1978 identified the following seven general areas for which financial assistance would be appropriate:

- (1) To improve communications between representatives of labor and management;
- (2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;
- (3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;
- (4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;
- (5) To enhance the involvement of workers in making decisions that affect their working lives;
- (6) To expand and improve working relationships between workers and managers; and
- (7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance to the formation and operation of labor-management committees.

The primary objective of this program is to encourage and support the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria and conform to the restrictions noted in Section A (Introduction). These committees may be found at either the plant, area, industry, or public sector levels. A plant committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, contiguous multicounty, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor unions producing a common product or service in the private sector on a local, state, regional, or nationwide level. A public sector committee consists of government employees and managers in one or more units of a local or state government. In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

In FY84, competition will be open to plant, area, private industry, and public sector committees. In-plant committee applications must offer an innovative or unique effort.

Required Program Elements

1. *Problem Statement*—The application, which should have numbered pages, must discuss in detail what specific problem(s) face the plant, area, government, or industry and its work force that will be addressed by the committee. Applicants must document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the plant, government, area, or industry. An industrial or economic profile of the area and work force might prove useful in explaining the problems. This section basically discusses WHY the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail WHAT the labor-management committee as a demonstration effort will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one overall goal of a project, the objectives must, whenever possible, be expressed in

measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have. Existing committee should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This section of the application specifies HOW the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) A discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) A listing, by name and title, of all proposed members of the labor-management committee. Be sure to identify the chairperson(s) and the role he/she will play. The application should also offer a rationale for the selection of the committee members (e.g. members represent 70% of the area or plant work force).

(c) A discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as résumés for staff already on board;

(d) In addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) A statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes; and

(f) For applications from existing committees (i.e., in existence at least 12 months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future expanded effort.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for WHEN they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant. The chart should identify months as "month 1, 2" etc., rather than by name of month as the grant start date will not be determined until all applications are reviewed. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—Applicants must provide for an internal assessment of the project's success in meeting its goals and objectives.

An internal assessment plan must be developed which will briefly discuss what basic questions or issues the assessment would examine and what baseline data the committee staff would already have/or will gather for the assessment. This section should be written with the application's own goals and objectives clearly in mind and impacts or changes that the effort is expected to cause.

FMCS will conduct a national evaluation of selected FY84 grantees. This section should contain an assurance that the applicant will grant free access and full cooperation to any evaluator selected by FMCS to evaluate the project's progress and impact.

6. *Letters of Commitment*—Applications must include current letters of commitment from all proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating how many employees will be covered or represented through the labor-management committee;

(b) From existing committees, a copy of the existing staffing levels, a breakout of annual operating costs and identification of all sources and levels of financial support;

(c) A detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) An assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(e) An assurance that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address.

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the area. For existing committees, the extent to which the committee will focus on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results. For inplant applicants, this section will address the degree of innovativeness or uniqueness of the proposed effort.

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application.

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates.

(6) The cost effectiveness and fiscal soundness of the application's budget request, as well as the application's fiscal feasibility vs. its goals and approach.

(7) The overall feasibility of the proposed project in light of all of the information presented for consideration and quality of the application; and,

(8) the cost value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978. This includes such factors as innovativeness, site location, and other qualities that enhance an applicant's value in encouraging the labor-management committee concept.

C. Eligibility

Eligible grantees include State and local units of government, private non-profit labor-management committees, or a labor or management entity on behalf of the committee that will be created through the grant, and certain third party private non-profit entities on behalf of one or more committees to be created through the grant. Federal government agencies are not eligible.

Third party private non-profit entities which can document that a major purpose or function of their organization has been the improvement of labor relations are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part B must be followed. Applications from third-party entities must document particularly strong support and participation from all labor and management parties with whom the applicant will be working. Applicants from third-parties which do not directly support the operation of a new or expanded committee will not be deemed eligible.

Applicants who received funding under this program in FY 81 are not eligible to apply for funding to continue or expand their prior efforts.

D. Allocations

FMCS has received an FY 84 appropriation of \$1 million for the Labor-Management Cooperation Program. Specific funding levels will not be established for each type of committee. Instead, the review process will be conducted in such a manner that at least two awards will be made in each category (in-plant, industry, public sector, and area), providing that FMCS determines that at least two outstanding applications exist in each category. After these applications are selected for award, the remaining applications will be awarded according to highest score without regard to category.

Partial continuation funding will be available for eligible FY82 grantees. Eligibility will be based upon the following: (a) Budget periods had not expired as of November 7, 1983, (b) projects were not originally intended primarily as one-time efforts, and (c) projects are judged to have been successful in meeting their goals and objectives and other grant requirements.

FMCS reserves the right to retain up to 10 percent of the FY84 appropriation to contract for program support purposes (e.g., evaluation, program development, etc.)

E. Dollar Range and Length of Grants and Continuation Policy

Awards to continue and expand existing labor-management committees (i.e., in existence at least 12 months prior to the submission deadline) will be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 12 months at double the initial cash match ratio. The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), will be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months at double the initial cash match ratio. The total project period will thus normally be no more than 36 months.

The dollar range of awards is as follows:

—Up to \$35,000 in FMCS funds per annum for existing in-plant applicants.

- up to \$50,000 over 18 months for new in-plant committee applicants;
- Up to \$75,000 in FMCS funds per annum for existing area, industry and public sector committee applicants;
- Up to \$100,000 per 18-month period for new area, industry, and public sector committee applicants.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and grantee match, applicants may supplement these funds through voluntary contributions from other sources.

F. Match Requirements and Cost Allowability

In FY84, applicants for new labor-management committees must provide at least 10 percent of the total allowable project costs. Applicants of existing committees must provide at least 25 percent of the total allowable project costs. All matching funds must be in cash rather than in-kind goods or services. Matching funds may come from state or local government sources or private sector contributions, but may generally not include other Federal funds. Funds generated by grant-supported efforts are considered "project income," and may not be used for matching purposes.

It will also be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds previously made available for these purposes. Also, under no circumstances will business or labor officials participating on a labor-management committee be paid or otherwise compensated out of grant funds for time spent at committee meetings or time spent in training sessions.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FMCS Financial and Administrative Grants Manual which will be included in the application kit.

G. Application Submission and Review Process

Applications must be postmarked no later than May 15, 1984. No applications or supplementary materials can be accepted after the deadline. An original application, containing numbered pages, plus three copies should be addressed to the Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW, Washington, DC 20427.

After the deadline has passed, all eligible applications will be reviewed and scored initially by an FMCS Grant Review Board. The Director, Labor-Management Grant Programs, will finalize the scoring and place the application in one of the following three categories: (a) Unacceptable for funding, (b) potentially acceptable for funding but funds are unavailable, and (c) recommended for funding.

All FY 84 grant applicants will be notified of results, and all grant awards will be made, prior to September 30, 1984.

Applications submitted after the deadline dates or that fail to adhere to eligibility or other major requirements will be administratively rejected prior to the convening of the Grant Review Board.

H. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained by contacting Peter L. Regner, Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW, Washington, DC 20427, or calling 202/653-5320.

Kay McMurray,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 84-3524 Filed 2-8-84; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Business Bancorp; Engaging de novo in Permissible Nonbanking Activities

The organization listed in this notice has filed a notice under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to 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. With respect to the notice,

interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 28, 1984.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Business Bancorp*, San Jose, California; to engage, through its subsidiary Bancorp BIDCO, San Jose, California, in community development activities pursuant to section 225.4(a) of Regulation Y.

Board of Governors of the Federal Reserve System, February 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3489 Filed 2-8-84; 8:45 am]

BILLING CODE 6210-01-M

Citicorp Holdings, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 225.14 of the Board's Regulation Y (49 FR 794) 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 for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each application, interested persons may express their views in writing to the

Reserve Bank indicated for that application 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 March 2, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp Holdings, Inc.*, Wilmington, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of Citibank (Delaware), New Castle, Delaware; Citibank (South Dakota), Sioux Falls, South Dakota; and Citibank (Maryland), Towson, Maryland.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19101:

1. *Meridian Bancorp, Inc.*, Reading, Pennsylvania, to acquire 100 percent of the voting shares or assets of First National Bancorp of Allentown, Inc., Allentown, Pennsylvania, and thereby indirectly acquire The First National Bank of Allentown, Allentown, Pennsylvania.

C. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Farmers Bancorp of Nicholasville, Inc.*, Nicholasville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers Bank of Nicholasville, Nicholasville, Kentucky.

2. *First National Ban Corp Of Versailles*, Versailles, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Versailles, Versailles, Kentucky.

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

1. *Sterling Bancorp, Inc.*, Eleanor, West Virginia; to become a bank holding company by acquiring 91.46 percent of the voting shares of Peoples Bank of Richwood, Inc., Richwood, West Virginia.

E. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Childersburg Bancorporation, Inc.*, Childersburg, Alabama; to become a

bank holding company by acquiring 94.8 percent of the voting shares of First Bank of Childersburg, Childersburg, Alabama.

2. *Citizens and Southern Georgia Corporation*, Atlanta, Georgia; to merge with FSB Bancorp, Inc., Peachtree City, Georgia, and thereby indirectly acquire The Fayette State Bank, Peachtree City, Georgia.

F. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Crossroads Bancorp, Inc.*, Mount Washington, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The Peoples Bank, Mount Washington, Kentucky.

2. *Delta Bancshares Company*, St. Louis, Missouri; to acquire 40.7 percent of the voting shares or assets of Eureka Bank Eureka, Missouri.

G. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Charter 95 Corporation*, Hudson, Wisconsin; to acquire 99.8 percent of the voting shares or assets of Hammond State Bank, Hammond, Wisconsin.

2. *WestBanco*, Bozeman, Montana; to become a bank holding company by acquiring 95.41 percent of the voting shares of 1st Security Bank of West Yellowstone, West Yellowstone, Montana.

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

1. *Texas Commerce Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of Texas Commerce Bank-River Oaks, N.A., Houston, Texas.

I. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BNB Bancorp*, Covina, California; to become a bank holding company by acquiring 100 percent of the voting shares of Burbank National Bank, (In Organization), Burbank, California.

2. *Columbia Bancorp, Inc.*, Avondale, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of Columbia Bank (In Organization), Avondale, Arizona.

Board of Governors of the Federal Reserve System, February 3, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-3480 Filed 2-8-84; 8:45 am]
BILLING CODE 6210-01-M

FSC Bancshares, Inc.; Formation of Bank Holding Companies

The Company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *FSC Bancshares, Inc.*, Cameron, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Farmers State Bank, Cameron, Missouri. Comments on this application must be received not later than March 5, 1984.

Board of Governors of the Federal Reserve System, February 3, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-3491 Filed 2-8-84; 8:45 am]
BILLING CODE 6210-01-M

United City Corp., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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

1. *United City Corporation*, Plano, Texas; to acquire 70.2 percent of the voting shares or assets of First State Bank of McKinney, McKinney, Texas. Comments on this application must be received not later than March 5, 1984.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Puget Sound Bancorp*, Tacoma, Washington; to acquire 100 percent of the voting shares or assets of Bellingham National Bank, Bellingham, Washington. Comments on this application must be received not later than March 5, 1984.

Board of Governors of the Federal Reserve System, February 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3482 Filed 2-8-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Federal Telecommunication Standards

AGENCY: Office of Information Resources Management, General Services Administration.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on a Federal Telecommunication Standard (FED-STD) proposed for adoption: DED-SID-1033, "Telecommunications: Digital Communication Performance Parameters".

DATE: May 9, 1984.

ADDRESS: Send comments to National Communications System, Office of Technology and Standards, Washington, DC 20305.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Bodson, National Communications System, telephone (202) 692-2124.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal

Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, The Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer-communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Request for copies of the Proposed Draft FED-STD 1033 should be directed to the National Communications System, Office of Technology and Standards, Washington, DC 20305.

Dated: February 2, 1984.

Frank J. Carr,

Assistant Administrator, Office of Information Resources Management.

[FR Doc. 84-3475 Filed 2-8-84; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Federal Council on the Aging; Meeting

Agency Holding the Meeting: Federal Council on the Aging.

Time and Date: Meeting begins at 9:00 AM on Wednesday, March 7, 1984 and ends at 11:45 AM on Thursday, March 8, 1984.

Place: Rooms 503-529A (fifth floor conference room), Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201 on March 7, 1984 from 9:00 am-5:30 pm and from 9:00 am-11:45 am on Thursday, March 8, 1984.

Status: Meeting is open to the public.

Contact Person: Rita Lowry, Room 309D, HHH Building, 245-2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting on March 7 & 8, 1984 from 9:00 AM-5:30 PM and from 9:00 AM-11:45 AM respectively in Rooms 503-529A of the

Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

The agenda will consist of presentations and discussions of the Department of Health and Human Services' health promotion initiatives, the Administration on Aging's plans for Older Americans Month, Social Security Advisory Committee's Medicare recommendations, Alzheimer's Task Force, and Older Worker studies commissioned by the National Commission on Employment Policy. In addition, time has been set aside for FCA committee meetings.

Dated: February 6, 1984.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 84-3567 Filed 2-8-84; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

Professional Oncology Education Review Committee; Cancellation Notice of Meeting

Notice of the meeting of the Professional Oncology Education Review Committee, National Cancer Institute, National Institutes of Health, February 9-10, 1984, published in the *Federal Register* on December 27, 1983, (48 FR 57018) is hereby cancelled due to some unforeseen circumstances. For further information, please contact Dr. Robert L. Menning, Executive Secretary, National Cancer Institute, Westwood Building, Room 838, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7721).

Dated: February 8, 1984.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 84-3800 Filed 2-8-84; 11:17 am]

BILLING CODE 4140-01-M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services covers the Social Security Administration (SSA). Section S.30 of the SSA Statement describes the Order of Succession in SSA. Sections SA.10 and SA.20 describe the organization and functions of the Office of the Commissioner (OC). Sections SL.00, SL.10 and SL.20 describe the mission, organization and functions

of SSA's Office of Assessment (OA). Sections SF.00, SF.10 and SF.20 describe the mission, organization and functions of SSA's Office of Family Assistance (OFA).

Notice is given that section S.30 is revised to recognize that there are additional Deputy Commissioners, and that sections SA.10 and SA.20 are amended to add the Deputy Commissioner of Social Security, Management and Assessment. Sections SL.00, SL.10 and SL.20 are amended to reflect the transfer of the program integrity function to the Office of the Inspector General (OIG); to transfer the Division of Aid to Families with Dependent Children (AFDC) Quality Control to the Office of Family Assistance; to establish the Office of Insurance Program Quality (OIPQ), the Office of Assistance Program Quality (OAPQ), the Office of Disability Program Quality (ODPQ) and the Office of Operational Reviews and Integrity (OORI); to revise the functional statement for the Field Assessment Office (FAO); and to abolish the Office of Payment and Eligibility Quality (OPEQ), the Office of Adjudication Process Quality (OAPQ), the Office of Security and Program Integrity (OSPI) and the Office of Evaluation (OE). Sections SF.00, SF.10 and SF.20 are amended to reflect the establishment of the Division of AFDC Quality Control in the Office of State Operations, Office of Family Assistance.

The SSA material is revised as follows:

Chapter S. Social Security Administration

Sec. S.30 Social Security Administration—Order of Succession

3. Second line: Omit "both;" substitute "the".

4. Second line: Omit "both;" substitute "the".

The Office of the Commissioner material is revised as follows:

Chapter SA. Office of the Commissioner—Sec. SA.10 Office of the Commissioner—(Organization)

Reletter "E." to "F." and add:
E. The Deputy Commissioner of Social Security, Management and Assessment (SA).

Sec. SA.20 Office of the Commissioner—(Functions)

Reletter "E." to "F." and add:
E. The Deputy Commissioner of Social Security, Management and Assessment (SA) assists the Commissioner in carrying out his/her responsibility for managing and directing administration of SSA program, concentrating on management support, assessment and quality control.

The OA material is revised as follows:

Sec. SL.00 Office of Assessment—(Mission)

In the 2nd line, omit "assures," and substitute "reviews, evaluates and assesses. . . ." In the 4th line, continue the sentence after "programs" by adding "and makes corrective action recommendations." In the 9th and 10th lines, omit "the handling of cases that may involve fraud. . . ." In the 12th line, after "security programs," add "and also evaluates and reviews the handling of cases that may involve fraud and recommends corrective action."

Sec. SL.10 Office of Assessment—(Organization)

D. Office of Payment and Eligibility Quality (SLQ)—Delete all material.

E. Office of Adjudication Process Quality (SLC)—Delete all material.

F. Office of Security and Program Integrity (SLB)—Delete all material.

H. Office of Evaluation (SLE)—Delete all material.

Add:

D. Office of Insurance Program Quality (SLA), which includes:

1. Division of RSI Quality Reports and Analysis (SLA1).

2. Division of RSI Policy and Quality Assurance Procedural Management (SLA2).

3. Division of Quality Assurance Sample Design and Operations (SLA3).

E. Office of Assistance Program Quality (SLG), which includes:

1. Division of Reports and Analysis (SLG1).

2. Division of Policies and Procedures (SLG2).

3. Division of Sampling and Data Management (SLG3).

F. Office of Disability Program Quality (SLH), which includes:

1. Division of Disability Quality Policy and Procedures (SLH1).

2. Division of Disability Operations Review and Data Management (SLH2).

3. Division of Disability Quality Operations (SLH3).

4. Division of Disability Reports, Analysis and Special Studies (SLH4).

H. Office of Operational Reviews and Integrity (SLJ), which includes:

1. Division of Evaluation and Quality Review (SLJ1).

2. Division of Operational Integrity and Security (SLJ2).

3. Division of Audit Management and Liaison (SLJ3).

Sec. SL.20 Office of Assessment—(Functions)

D. Office of Payment and Eligibility Quality (SLQ)—Delete all material.

E. Office of Adjudication Process Quality (SLC)—Delete all material.

F. Office of Security and Program Integrity (SLB)—Delete all material.

H. Office of Evaluation (SLE)—Delete all material.

Add:

D. *Office of Insurance Program Quality (SLA)* plans, designs and maintains a quality review system for the Retirement and Survivors Insurance (RSI) program, to assure quality in adjudication and payment error reduction. It designs sampling methods and techniques, and issues policies and procedures for reviews. It analyzes review data and prepares reports on findings, including recommendations for corrective action; changes in RSI program policies, procedures or computer systems routines reporting on RSI payments and workloads or legislation. The Office plans and designs special reviews of problems areas, and plans and utilizes an automated data base of findings in current and longitudinal analysis so that policy and operational managers can improve the management of the RSI program. The Office provides technical support and guidance to field assessment staff in the RSI Quality Review program, and conducts reviews of the Field Assessment Offices' (FAOs') adherence to OA review policies and procedures. It includes the following components and functions:

1. *Division of RSI Quality Reports and Analysis (SLA1):*

a. Reports on the quality of the SSA's Retirement and Survivors Insurance (RSI) program and the nonmedical aspects of the Disability Insurance (DI) program.

b. Analysis results of continuing, targeted and user support quality review studies of current claims, postadjudicative actions and ongoing payments. Based on these analyses, issues statistical and narrative reports that include recommendations for improvement of payment accuracy, EDP systems, operational processes, component performance and manpower utilization.

c. Designs and maintains a reporting system to communicate quality findings to management officials who need the information.

d. Plans, coordinates and conducts foreign validation surveys; analyzes findings and recommends changes in policies and procedures relating to the administration and operation of the social security programs abroad.

2. *The Division of RSI Policy and Quality Assurance Procedural Management (SLA2):*

a. Plans, directs and coordinates the development of technical and operational procedures necessary to implement and maintain a nationwide

program for the review of the quality of the RSI program.

b. Maintains an ongoing sample consistency review of all RSI quality review cases to evaluate and analyze the effectiveness of RSI quality review procedures and compliance with the procedures.

c. Reviews new operating policies, procedures, regulations and legislative proposals concerning the RSI program for impact on payment quality and on the uniformity and equity of national instructions.

d. Evaluates RSI claims policies for establishing entitlement and continuing eligibility for benefits, and assures that evidential and procedural requirements are uniform and equitable with respect to all applicants and beneficiaries.

3. Division of Quality Assurance Sample Design and Operations (SLA3):

a. Designs and develops sampling methods and techniques, statistical measures and methods of statistical evaluation for the efficient and valid measurement of the quality of the RSI and DI nonmedical phases of SSA programs.

b. Designs, develops and conducts tests of current and alternative quality review methodologies. Prepares data analysis plans and analyzes test results to determine more effective, efficient and cost beneficial methods of conducting payment accuracy/quality reviews.

c. Conducts a continuing quality review of, and issues reports on, the nondisability aspects of the initial claims and postadjudicative actions connected with the disability and foreign claims programs.

E. Office of Assistance Program Quality (SLG) plans, designs and maintains a quality review system for the Supplemental Security Income (SSI) program to assure quality in adjudication and payment. It designs sampling methods and techniques, and issues policies and procedures for reviews. It analyzes review data and prepares reports on findings, including recommendations for corrective action changes in SSI program policies, procedures or legislation. The Office plans and designs special reviews of problem areas, and utilizes an automated data base of findings in current and longitudinal analyses so that policy and operational managers can improve the operation of the SSI program. The Office provides technical support and guidance to field assessment staff in the SSI Quality Review Program, and conducts reviews of FAOs' adherence to OA review policies and procedures. It compiles quality review data for determining

Federal fiscal liability to States for federally-administered state supplementary payments. It includes the following components and functions:

1. Division of Reports and Analysis (SLG1):

a. Designs and produces quality review reports on claims, posteligibility and redetermination actions, and on payment and eligibility accuracy of the SSI Program.

b. Analyzes reports and data, and identifies deficiency trends, anomalies, irregularities and weaknesses in SSI program and operations quality. Evaluates findings to ascertain probable causes and recommends improvements in EDP systems, operational processes and component performance.

c. Establishes requirements for FAO reporting and monitors quality of FAO SSI analyses and reports, manages the OAPQ interaction with the FAOs for all dealings in program operations and quality review study/evaluation.

2. Division of Policies and Procedures (SLG2):

a. Designs, develops and promulgates the procedures and forms necessary to implement and maintain a nationwide program for the continuing review of the accuracy and quality of ongoing SSI payments and the claims adjudication processes.

b. Maintains current SSI quality review procedures and related instructions to be employed in the case review processes, and reviews supplemental SSI quality review procedures developed by FAOs for consistency with national policies.

c. Maintains an ongoing sample consistency review of all SSI quality review cases to evaluate and analyze the effectiveness of SSI quality review procedures and compliance with the procedures.

d. Determines need for SSI quality review process training and technical assistance, and develops national level SSI quality review technical training policies, materials and resources. Reviews technical training materials developed by FAOs for consistency and possible national implementation.

3. Division of Sampling and Data Management (SLG3):

a. Monitors changes in SSI policy, specifically with regard to their impact on quality review operations and systems, and initiates changes and enhancements of existing quality review ADP systems.

b. Provides ongoing technical support to headquarters and field components for current and future SSI quality review ADP requirements.

c. Monitors ADP equipment utilization and data needs for the purpose of identifying equipment needs.

d. Designs and develops sampling methods and techniques for SSI payment and process accuracy review programs. Provides technical guidance in areas related to sample size, design and procedures for the SSI quality review programs.

e. Prepares reports and data regarding Federal fiscal liability (FFL) to States, and prepares fiscal year FFL estimates. Reviews cumulative FFL data to identify trends and variations. Monitors existing procedures and methodology for determining FFL to measure effectiveness.

F. Office of Disability Program Quality (SLH) plans, designs and maintains a quality review system for the title II and title XVI disability programs to assure quality in adjudication and payment. It designs sampling methods and techniques, and issues policies and procedures for reviews. It analyzes review data and prepares reports on findings, including recommendations for corrective action or changes in disability program policies, procedures or legislation. The Office plans and designs special reviews of problem areas, and plans and utilizes an automated data base of findings in current and longitudinal analyses so that policy and operational managers can improve the operation of the DI program. The Office provides technical support and guidance to field assessment staff in the DI quality review program, and conducts reviews of FAOs adherence to OA review policies and procedures. It includes the following components and functions:

1. Division of Disability Quality Policy and Procedures (SLH1):

a. Develops disability quality review policy, procedures, forms and instructions for use by State and Federal components in payment and adjudicative process consistency and preeffectuation reviews.

b. Identifies error-prone and user support type case review workloads, and plans targeted sampling procedures to produce appropriate quality review data. Verifies production of sample levels for targeted reviews. Provides sampling intervals for use by State agencies in their quality review operations.

c. Studies the adjudication and payment quality review programs, and modifies them to accommodate new workloads or to improve quality of the data.

d. Develops sampling techniques for adjudication and payment process

quality reviews. Modifies sampling to insure validity of data and to respond to disability program and quality review program changes.

2. Division of Disability Operations Review and Data Management (SLH2):

a. Reviews disability quality and preeffectuation review operations in FAOs in regard to operational goals, adherence to national policies and procedures and staffing needs.

b. Provides technical guidance and support to FAOs in regard to disability quality review operations. Develops technical training packages and programs for workload, policy or procedural changes.

c. Develops specifications for data processing and data bases used in quality review operations, and for the automated sample selection process. Monitors the realization of selected sample yields.

3. Division of Disability Quality Operations (SLH3):

a. Conducts quality reviews of the substantive and technical aspects of a sample of initial disability claims, reconsiderations and continuing disability investigations adjudicated and authorized by the Office of Disability Operations.

b. Conducts consistency quality reviews of a sample of cases given a quality or preeffectuation review by Disability Analysis Branches in the FAOs. These cases include initial claims, reconsiderations and continuing disability investigations.

c. Reviews samples of types of disability cases that have been identified as error prone or policy, procedural or operational problems. Prepares analytical reports and corrective action recommendations.

4. Division of Disability Reports, Analysis and Special Studies (SLH4):

a. Plans and issues periodic reports related to the quality of disability payment and eligibility processes for the title II and title XVI disability programs.

b. Analyzes data to identify repetitive and significant errors to determine their causes and costs and to target areas needing study to determine corrective action.

c. Determines the need for, and designs, special studies to supplement regular reports of disability quality reviews. Coordinates, reviews and evaluates these studies, and assists field offices in the development of field-initiated studies.

d. Works with program components in the identification of user requirements for various types of profiles and the implementation and evaluation of profiles.

G Field Assessment Offices (SLF1-SLFX). Replace with following:

The Field Assessment Offices manage OA quality assurance and evaluation activities in the field. They conduct independent reviews to determine payment and eligibility error rates in Social Security programs, including errors in federally-administered State supplementary payments. These reviews provide the basis for determining the Federal fiscal liability amounts reimbursable to States for which SSA administers State payments. The FAOs conduct independent reviews to determine the quality of adjudication processes of Social Security programs. The FAOs provide reports, data and analysis; they assist in identifying error trends and sources and they recommend corrective actions. They also perform special assessment surveys and analysis.

1. Division of Payment and Eligibility Quality (SLF11-SLFXI).

a. Line 20: Omit "to OPEQ".

b. Omit.

H. Office of Operational Reviews and Integrity (SLJ) plans and carries out evaluation programs for all aspects of SSA's operations, plans and maintains a quality review system for nonprogram specific and crosscutting functions and performs continuing and special analysis of trends and critical problem areas. It reports on findings and recommends corrective action, including changes in program policies, procedures or legislation. The Office manages an SSA-wide operational integrity and security program, it serves as SSA's liaison with the Department of Health and Human Services' Office of Inspector General (OIG) and external auditors and evaluators, prepares and coordinates the SSA response to all external audit and evaluation recommendations and monitors and evaluates the implementation of the recommendations requiring SSA actions. The Office provides statistical consultation and advice on sampling designs and data analysis for components within OA, and researches new statistical/operations research techniques. The Office provides guidance to FAO evaluation staffs.

1. Division of Evaluation and Quality Review (SLJ1):

a. Formulates and conducts reviews, studies and audits of SSA program and administrative operating policies and processes. Evaluates SSA policies, procedures and practices from the perspectives of efficiency, effectiveness, integrity and adequacy of public service.

b. Concentrates on SSA priorities, critical areas and major workloads, with emphasis on defining problems and

developing recommendations for improvement.

c. Initiates and monitors national surveys, audits and studies, with input from field offices and other SSA components.

d. Performs ad hoc studies, requested by the Commissioner, Deputy Commissioners or Associate Commissioners, that require prompt and immediate attention in their area of responsibility.

e. Maintains liaison with SSA components in identifying potential areas of review, setting up logistics for reviews, holding entrance and exit conferences and monitoring progress on implementing recommendations.

f. Develops a program for the selection and conduct of quality reviews for Social Security number issuance and earnings maintenance functions, and other SSA functions that cross program lines. Provides analysis and recommendations, and monitors implementation of recommendations.

2. Division of Operational Integrity and Security (SLJ2):

a. Develops, manages and coordinates the SSA-wide security program. Develops, applies and interprets policies, standards, techniques, guidelines and procedures for assuring adherence to all statutory and regulatory requirements for the security of personal and program data which are gathered, processed, maintained and disposed of by SSA.

b. Develops and assists in the implementation of SSA policies, systems and procedures which minimize vulnerability to fraud and abuse, while maintaining the efficiency of program operations. Designs and conducts analyses and reviews to assure the integrity of program payments and the efficiency of program operations. Maintains liaison with the Office of the Inspector General on matters relating to fraud and abuse policies, procedures and case processing, and cooperates in the investigation of potential fraud, abuse and misconduct cases.

c. Maintains an SSA-wide security and integrity awareness program, and designs and participates in the delivery of training courses dealing with all phases of security and integrity.

d. Maintains liaison with outside agencies and higher monitoring authorities on security matters and those integrity/fraud matters which relate to operational processes.

e. Conducts a risk management program for operational processes, covering risk analysis, vulnerability identification and safeguard implementation.

f. Develops proposals and specifications for major security and integrity improvements of a cross-cutting, SSA-wide nature. Reviews proposals/specifications for new and major systems changes for adequacy of security provisions, and participates in system validations to ensure functioning of security controls.

g. Provides technical direction and consultation to security staffs throughout SSA, including being responsible for data communications access controls. Serves as SSA focal point for handling security breaches and fraud cases, controlling cases for corrective action. Maintains knowledge of all integrity and security activities, such as matching operations, security reviews, personnel security projects, etc.

3. *Division of Audit Management and Liaison (SLJ3):*

a. Plans and coordinates SSA involvement with audits planned and conducted by the General Accounting Office (GAO) or the HHS Audit Agency, and facilitates the access of audit teams to SSA.

b. Reviews and evaluates audit reports and prepares the SSA response to specific audit recommendations. Evaluates component commitments to audit recommendations, monitors and evaluates implementation of commitments, prepares progress reports and recommends corrective actions.

c. Monitors and evaluates implementation of internal and external survey recommendations, prepares progress reports and recommends corrective action.

d. Maintains liaison with operating management in the field, identifies problems and monitors corrective actions.

e. Maintains liaison with GAO, the HHS Audit Agency and other external auditors and evaluators; represents SSA's interests and discusses SSA positions.

The OFA material is revised as follows:

Chapter SF

Sec. SF.00 *Office of Family Assistance—(Mission)*

In the last sentence, omit "The Office assures that SSA regional offices provide. . . ." and substitute "The Office provides. . . ."

Sec. SF.10 *Office of Family Assistance—(Organization)*

G. Office of State Operations (SFG), which includes:

Add:

3. *Division of Quality Control (SFG3).*

Sec. SF.20 *Office of Family Assistance—(Functions)*

G. *Office of State Operations (SFG).*

Add:

3. *Division of Quality Control (SFG3):*

a. Develops policies, standards and guidelines for the Federal/State Quality Control Systems used in the public assistance programs administered by the Office of Family Assistance.

b. Establishes, maintains and evaluates the effectiveness of the Federal monitoring system of State quality control operations, including technical and operating policies necessary to conduct Federal rereviews of State quality control (QC) findings.

c. Develops Federal/State quality control procedures and systems, and provides technical guidance and assistance to States and regional offices.

d. Conducts onsite reviews to appraise regional office and State agency adherence to QC review procedures.

e. Analyzes QC findings and consolidates State and Federal findings. Prepares national reports from data derived from quality control reviews.

f. Assists corrective action planning and implementation by providing data analysis and recommendations for corrective action.

K. *Office of Regional Family Assistance (SFF1—SFFX):*

2. Add after first sentence:

Plans and directs a regionwide quality control program.

Dated: February 1, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 84-3490 Filed 2-9-84; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-84-728; FR-1931]

Connecticut; Manager, Hartford Office; Designation and Delegation of Authority

AGENCY: Hartford Office, Department of Housing and Urban Development.

ACTION: Notice of Designation of Authority—Order of Succession.

SUMMARY: This document designates the order of succession to the position of Acting Manager in the absence of the Manager.

EFFECTIVE DATE: October 20, 1983.

FOR FURTHER INFORMATION CONTACT: Alan M. Cohen, Hartford Office, One Hartford Square, West Hartford, Connecticut 06106, (203) 244-3030. This is not a toll-free number.

Accordingly: During any period when by reason of absence or disability, the Manager is not available to exercise the powers and perform the duties of the

Manager, appointees to the positions listed below are authorized to act as Manager and exercise all the powers, functions and duties assigned to or vested in the manager. However, no official shall act as Manager until all of the appointees listed before such officials title in this designation are unable to act by reason of absence, disability or vacancy in office.

1. Deputy Manager
2. Chief Counsel
3. Director, Housing Development Division
4. Director, Community planning and Development Division
5. Director, Housing Management Division

This designation shall be effective as of October 20, 1983 and shall supersede any previous designations.

Authority: Secretary's Delegation of Authority (36 FR 3389, February 23, 1971, as amended).

William H. Hernandez, Jr.,
Manager, Hartford Office.

[FR Doc. 84-3515 Filed 2-9-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-84-729; FR-1920]

Office of The Field Office Manager; Charleston, West Virginia; Designation

AGENCY: Department of Housing & Urban Development.

ACTION: Designation of Order of Succession.

SUMMARY: The Field Office Manager is designating officials who may serve as Acting Field Office Manager during the absence, disability, or vacancy in the position of the Field Office Manager.

EFFECTIVE DATE: This designation is effective December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Peter M. Campanella, Regional Counsel, Office of Counsel, Philadelphia Regional Office, Department of Housing & Urban Development, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, phone 215-597-2655. (This is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Field Office Manager during the absence, disability, or vacancy in the position of the Field Office Manager, with all of the powers, functions, and duties redelegated or assigned to the Field Office Manager: Provided, that no official is authorized to serve as Acting Field Office Manager unless all preceding listed officials in this designation are unavailable to act

by reason of absence, disability, or vacancy in the position:

1. Director, Housing Management Division
2. Director, Housing Development Division

This designation supersedes the designation effective May 1, 1981.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Dated: November 28, 1983.

Kenneth J. Finlayson,

Regional Administrator-Regional Housing Commissioner, Region III.

Dated: November 18, 1983.

Carl A. Smith,

Manager, Charleston, West Virginia Field Office.

[FR Doc. 84-3514 Filed 2-8-84; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. N-84-1340; FR-1880]

Office of Interstate Land Sales Registration; Administrative Proceedings

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Proceedings and Opportunity for Hearing.

SUMMARY: The Office of Interstate Land Sales Registration gives public notice of its attempt to serve upon certain persons (defined by statute [15 U.S.C. 1701] as individuals, unincorporated organizations, partnerships, associations, corporations, trusts, or estates) at their last known addresses, a notice requiring revisions to their Statement of Record. Service of this notice was attempted by certified mail and was found to be undeliverable. Therefore, in accordance with 44 U.S.C. 1508, the Department is publishing this Notice of Proceedings and Opportunity for Hearing in order to effect constructive notice upon the persons listed in the attached Appendix.

DATE: Requests for hearings should be filed on or before February 24, 1984.

ADDRESS: Requests shall be filed with the Docket Clerk for Administrative Proceedings, Room 10270, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Roger Henderson, Director, Land Sales Enforcement Division, Department of HUD, Room 4116, Washington, D.C. 20410. Telephone: (202) 755-5989. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This Notice of Proceedings and Opportunity for Hearing is issued pursuant to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706(d) and related regulations at 24 CFR 1710.45(b)(1) and 24 CFR 1720.220). The Department hereby serves the following Notice of Proceedings and Opportunity for Hearing to the persons listed in the attached Appendix:

Notice of Proceedings and Opportunity for Hearing

I

Docket No. _____
In the matter of:
(Subdivision) _____
(Developer) _____
Representative of Respondent OILSR No. _____

The Secretary in administering the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701 et seq., and its Regulations finds his public files disclose that:

A. Respondent is a corporation organized under the laws of the State of _____
And has its principal office in _____

B. The mailing address of Respondent's last known principal office or place of business is _____

C. The Respondent filed a Statement of Record and Property Report for the above subdivision, located in _____
County, _____
which Statement of Record and Property Report, as amended, if any amendments have been filed, became effective on _____
and is still effective.

D. _____
is Representative of Respondent.

(Information for completing the above format follows. The captioned matters in the Appendix are listed alphabetically by subdivision in each State. Paragraph I of the Notice of Proceedings and Opportunity for Hearing includes the captions of the separate matters. Information for the completion of the captions of each of the matters is set out in columns 1 and 2 of the aforementioned Appendix. Information for Lines A, B and C above set out in columns 3, 4 and 5 respectively of the Appendix. Information for Line D of paragraph I is contained in the caption of the matter, and the same information is supplied in the last line of column 1 of the Appendix. The entire Notice is completed by inserting the applicable information from the Appendix in the appropriate blanks of paragraph I. In this form it is constructively noticed that the Notice of Proceedings and Opportunity for Hearing is served upon the persons listed in column 1 of the Appendix.)

II

The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained information which tends to show, and it so alleges, that the Statement of Record and Property Report of the subdivision captioned above include

untrue statements of material fact, or omit to state material facts required to be stated therein or necessary to make statements therein not misleading, to wit:

The developer has failed to file amendments to comply with revised regulations of the Office of Interstate Land Sales Registration or, alternatively, to file documentation establishing that no such amendments are necessary by the time required in 24 CFR 1730.100(b)(3), (4) and (5).

In view of the allegations contained in Part II above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

IV

If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within 15 days after service of this Notice of Proceedings. Respondent is hereby notified that if he fails to file a response pursuant to 24 CFR 1720.240 and 1720-245 within 15 days after service of this Notice of Proceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the Statement of Record will be issued. The said order shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the order shall cease to be effective.

V

Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the Docket Clerk for Administrative Proceedings, Room 10270, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI

It is hereby ordered that upon request of the Respondent a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before an Administrative Law Judge, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410, at 10:00 a.m. on the 30th day after receipt of the answer or at such other time as the Secretary or a designee may fix by further order.

This Notice of Proceeding shall be served upon the Respondent pursuant to 24 CFR 1720.170 and/or 44 U.S.C. 1508.

Dated: February 1, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

| In the matter of (subdivision) developer, representative and title; respondent | OILSR No. and land sales enforcement division docket No. | State of organization and location of principal office No. | Last known mailing address | Location of subdivision (county, State) and effective date |
|--|--|--|---|--|
| 1 | 2 | 3 | 4 | 5 |
| ARIZONA | | | | |
| Sunset Hills, M. W. Longstreth, vice-president and village of Oak Creek, respondent. | 0-03567-02-695, 82-86-IS | Arizona; Sedona, AZ | 4550 N. Black Canyon Highway, Phoenix, AZ 85018. | Yavapai County, AZ, Feb. 15, 1974. |
| COLORADO | | | | |
| Glens of Dacono, Emco Development Co., Inc., respondent. | 0-02605-05-281, 83-66-IS | Colorado; Denver, CO | P.O. Box 219, 5505 W. Colfax Avenue, Denver, Colorado 80214. | Weld County, Co, Sept. 17, 1973 |
| FLORIDA | | | | |
| Blue Water Trailer Village Section 4, Andrew Murphy, authorized agent-respondent. | 0-04458-09-116, 83-62-IS | Florida; Key Largo, FL | P.O. Box 1915, Key Largo, Florida 33037. | Monroe County, FL, Oct. 27, 1976. |
| Citrus Lakes, Interlachen Lakes Estates, Inc., S. Philip Malspeis, president-respondent. | 0-01529-09-446 and (A), 82-98-IS | Florida; Miami, FL | 11,575 7th NW Avenue, Miami, Florida 33172. | Palatka County, FL, Dec. 19, 1974. |
| KENTUCKY | | | | |
| Agape Shores, John L. and Katherine E. O'Banion, owners. | 0-03955-20-62, 82-109-IS | Kentucky; Louisville, KY | 140 Chenoweth Lane, Louisville, Kentucky 40207. | Breckinridge County, KY, Jan. 9, 1978. |
| Anderson Shores, Anderson Shores, Inc., Buddy Spann, president. | 0-04231-20-71, 83-51-IS | Kentucky; Murray, KY | P.O. Box 505, Murray, Kentucky 42071. | Calloway County, KY, July 9, 1975. |
| MISSOURI | | | | |
| Pine Hill Subdivision, Neil Land Development Co. Inc., Edward M. Welton, president-respondent. | 0-01504-29-62, 82-57-IS | Missouri; Van Buren, MO | P.O. Box 415, Van Buren, Missouri 63965. | Carter County, MO, Apr. 22, 1971. |
| NORTH CAROLINA | | | | |
| Land of Lakes, First American Land Corp., Martin I. Price, president-respondent. | 0-02539-38-123, 82-115-IS | West Virginia; Falling Waters, WV | P.O. Box 195, Falling Waters, West Virginia 25419. | Polk County, NC, Sept. 16, 1977 |
| OREGON | | | | |
| Malheur Lake Ranches, Maheur Lake Ranches, Co., Norman B. Conkle, president-respondent. | 0-03617-43-47, 83-7-IS | Arizona; Temple, AZ | 2000 South Priest Dr., Suite 111, Temple, Arizona 85282. | Harney County, OR, July 9, 1974. |
| PENNSYLVANIA | | | | |
| Wilderness Acres, Dupont Mutual, Inc., Donald C. Simpson, president-respondent. | 0-03321-44-232, 83-57-IS | Pennsylvania; Marshalls Creeks, PA | P.O. Box 158, Marshall Creek, Pennsylvania 18335. | Monroe County, PA, Oct. 9, 1973. |
| TEXAS | | | | |
| Kerrville Hills County Club, Kerrville Hills Development Co., Robert E. Owens, president-respondent. | 0-01460-49-54, 83-8-IS | Texas; Kerrville, TX | P.O. Box 750, Kerrville, TX 78028 | Kerr County, TX, Oct. 13, 1971. |
| Villa Conquistador No. 1, NCOA Communities, John L. Griffins, Jr., president-respondent. | 0-02824-49-261, 83-12-IS | Texas; San Antonio, TX | c/o Ammest Dev. Corp., Inc., P.O. Box 1861, San Antonio, Texas 78297. | Bell County, TX, Mar. 4, 1975. |
| UTAH | | | | |
| Scottsville Subdivision, Bonneville Investments, Inc., L. M. Sproul, president-respondent. | 0-04777-52-106, 83-68-IS | Utah; Salt Lake City, UT | 1973 Kensington Avenue, Salt Lake City, Utah 84108. | Iron County, UT, July 27, 1978. |
| WASHINGTON | | | | |
| Paradise Lakes County Club, Gulf Land Company, Thomas E. Isenhardt, president-respondent. | 0-00423-56-5 and (A), (B), (XA), 83-3-IS | Washington; Ferndale, WA | P.O. Box 1187, 450 Washington St., Ferndale, Washington 98248. | Whatcom County, WA, July 23, 1974. |
| Reintree, Reintree Corporation, George Samuels, president-respondent. | 0-04395-56-141, 83-22-IS | Washington; Lynnwood, WA | 18800 Highway 99, Lynnwood, Washington 98036. | Woodinville King County, WA, Dec. 15, 1975. |

[FR Doc. 84-3512 Filed 2-8-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[AA-6709-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976)) (ANCSA), will be issued to Ounalashka Corporation,

for lot 1, Block 2, U.S. Survey No. 1992, Alaska, Unalaska Townsite, containing 0.009 acre.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in The Anchorage Times upon issuance of the decision.

For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in land affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land

Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the

Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 12, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Mr. John F. Spencer, Jr., Chief, National Geodetic Information Center, OA/C18X2, NOS/NOAA, Rockville, Maryland 20852

Ounalashka Corporation, P.O. Box 149, Unalaska, Alaska 99685

The Aleut Corporation, 2550 Denali Street, Suite 900, Anchorage, Alaska 99503

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-3540 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-JA-M

[M 46372-E]

Montana; Conveyance of Public Land

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of Public Land in Lewis and Clark County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the following described land was conveyed to John A. Giacomini and Loa Mae Giacomini:

Principal Meridian, Montana

T. 14 N., R. 3W.,

Sec. 34, lots 18, 20 and 21.

Containing 0.54 acre.

The purpose of this notice is to inform State and local governmental officials and other interested parties of the conveyance of the land to the Giacomini.

Edward H. Croteau,

Chief, Lands Adjudication Section.

February 2, 1984.

[FR Doc. 84-3528 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-DN-M

Idaho; Closure of Public Lands

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Emergency Closure of Public Lands (Belle Marsh Creek).

SUMMARY: Notice is hereby given that effective immediately all public lands located in the Belle Marsh Creek Area are closed to motorized vehicles. The area is bounded generally by the U.S. Forest Service Road 009 on the west; I-15 on the north and east and Mormon Canyon on the south.

The legal description of this area is:

T. 8 S., R. 36 E., Boise Meridian, Portions of Sections 7, 17, 18, 20, 29, and 32,

T. 7 S., R. 36 E., Boise Meridian, Sections 5, 7 and 8

All Federal lands administered by the Bureau of Land Management within the above described area are closed to all motorized vehicles from the date of this notice until March 15, 1984 or until animals leave the area. Signs will be posted to identify the exterior boundaries.

The purpose of this closure is to protect wintering big game from all motor vehicles.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until March 15, 1984 or until animals leave the area.

Dated: February 3, 1984.

O'dell A. Frandsen,

District Manager.

[FR Doc. 84-3535 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-GG-M

[M-59847]

Montana; Realty Action, Exchange of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange of public lands in Deer Lodge, Beaverhead, Madison, and Powell counties.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1716:

Principal Meridian Montana

Madison County

T3S, R1W, Section 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$ —40 acres

T4S, R1W, Section 3, Lot 1—39 acres

T13S, R1W, Section 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ —40 acres; Section 6, Lot 3—40 acres

Powell County

T8N, R9W, Section 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ —40 acres

Beaverhead County

T1S, R11W, Section 5, Lot 2—29 acres;

Section 17, Lot 5—17 acres

T2S, R16W, Section 35, W $\frac{1}{2}$ SW $\frac{1}{4}$ —80 acres

T3S, R16W, Section 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ —40 acres

T5S, R9W, Section 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$ —40 acres

T11S, R6W, Section 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ —40 acres

T13S, R2W, Section 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ —40 acres

T14S, R5W, Section 29, Lot 6—43 acres

T14S, R8W, Section 1, Lots 1, 2—81 acres

Deer Lodge County

T1N, R14W,

Section 10, Lot 3—44 acres;

Section 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$

SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ —280 acres;

Section 30, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$

NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ —280 acres.

In exchange for these lands, the Federal Government will acquire an equal value of private land in Lewis and Clark County from Nick and Mary Wirth. The land to be acquired will be selected from the following:

Principal Meridian Montana

T14N, R4W, Section 27: All—640 acres,

Section 28, That portion south and east of

I-15 excepting certain tracts and roadways—519.08 acres;

Section 29, Small parcel in the E $\frac{1}{2}$ E $\frac{1}{2}$

SE $\frac{1}{4}$ —6.69 acres;

Section 31, All—660.64 acres;

Section 32, N $\frac{1}{2}$, SW $\frac{1}{4}$, excepting

highway—478.04 acres;

Section 33, All excepting highway, railroad,

and small tract—550.65 acres;

Section 35, All—640 acres.

Totaling 3495.10 acres.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange,

including the environmental assessment and land report, is available for review at the Butte District Office, P.O. Box 3388, Butte, Montana 59702.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire additional public land in the Sleeping Giant Area near Holter Lake. These lands have high recreational and wildlife values and will provide the first legal public access by land to the Sleeping Giant Area.

The exchange will be completed in two or three steps. In this, the first step, various isolated tracts identified for disposal in the Dillon Resource Area by the Dillon Programmatic Environmental Assessment for Public Land Adjustment will be exchanged. The tract in Powell County was previously offered for sale in the Garnet Resource Area.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.
2. The reservation to the United States of any identified mineral values on the Federal lands being transferred.
3. All valid existing rights (e.g., rights-of-way, easements and leases of record).
4. Value equalization by cash payments or acreage adjustments.
5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with State and local officials. The public interest will be served by completion of this exchange.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-3532 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-ON-M

[I-20204]

Realty Action; Exchange of Public Land for Private Land All Within Blaine County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of the exchange is to acquire the non-Federal grazing land to improve the manageability of the public lands for livestock and wildlife habitat. The exchange is consistent with the Bureau's planning for the lands

involved and has been discussed with Blaine County Commissioners and Idaho Department of Fish & Game. The public interest will be well served by making the exchange.

DATE: Comments should be submitted to the Shoshone District Office, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, by March 21, 1984.

The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 1 S., R. 20 E., Boise Meridian, Blaine County, Idaho,
Sec. 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 65 acres.

In exchange for these lands, the Federal Government will acquire a parcel of non-Federal land from David Manookian, described as follows:

T. 1 S., R. 20 E., Boise Meridian, Blaine County, Idaho,
Sec. 25: Lot 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 81.55 acres.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

There are no mineral reservations, including geothermal, on either the private or public land.

The patent when issued will contain the following reservations and conditions to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. Those rights for powerline transmission purposes as have been granted to Idaho Power Company under serial number I-20207;

3. The exchange proponent agrees that he takes the real estate subject to the existing grazing use of James West, holder of grazing record No. 5307. The rights of James West to graze domestic livestock on the real estate according to the conditions and terms of grazing record No. 5307 shall cease on December 28, 1985. The exchange proponent is entitled to receive annual grazing fees from James West in an amount not to exceed that which would be authorized under the Federal grazing fee published annually in the *Federal Register*.

The publication of this notice in the *Federal Register* will segregate the public lands described above to the

extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant.

ADDRESS: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Shoshone District Office, 400 West F Street, Shoshone, Idaho, or by calling Ervin Cowley at (208) 886-2206.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Shoshone District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of Interior.

Dated: February 3, 1984.

Charles Haszier,

District Manager.

[FR Doc. 84-3533 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-GG-M

Carson City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Carson City District Advisory Council.

DATE: March 10, 1984; 1:30 p.m.

ADDRESS: Dixie Valley Schoolhouse, Settlement Road, Dixie Valley, Churchill County, Nevada.

SUPPLEMENTARY INFORMATION: The agenda will include a hearing of the concerns of Dixie Valley residents. The public is invited, and anyone may appear before the Council at 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, BLM, 1050 E. William St., Suite 335, Carson City, NV 89701 (702) 882-1631.

Dated: February 1, 1984.

Thomas J. Owen,

District Manager.

[FR Doc. 84-3523 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-HC

Amendment To Review of Tar Sand Program; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to the Federal Register Notice; Informal Meeting to Review Tar Sand Program.

SUMMARY: As part of the ongoing Federal Tar Sand Program, there will be an informal meeting to review possible changes in the tar sand program. Among topics that will be considered are paying quantities and production levels as they apply to Federal combined hydrocarbon leases. This is to inform all interested parties that a draft paper on Proposed Changes to the Tar Sand Program is available. Copies may be obtained from the Bureau of Land Management, Division of Solid Mineral Leasing, Branch of Leasable Minerals, Room 3610, Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240 during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

DATE: The meeting will be held at 7:00 p.m. on February 23, 1984.

ADDRESS: Room 127, Salt Palace, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Edward E. Cogs (202) 343-3258 or Richard J. Aiken (202) 343-3258.

Dated: February 6, 1984.

James M. Parker,
Acting Director.

[FR Doc. 84-3545 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-84-M

California Desert Advisory Grazing Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the California Desert District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579, Title IV, Section 403, that a public meeting of the California Desert Grazing Advisory Board will be held Wednesday, March 7, 1984, from 10 a.m. to 4:30 p.m. at the Coachella Valley Water District's Jennings Auditorium, 52nd Avenue and Highway 111, Coachella, California 92236.

The agenda for the meeting will include:

- Election results for the 84-85 CDD Grazing Advisory Board.
- The Selection of a Grazing Advisory Board Chairman.
- 1983 Plan Amendment Review.
- Cooperative Management Agreement Nomination Review.

—Grazing Program Status Review.

—Wild Horse and Burro Program Review.

—Monitoring Program.

The meeting is open to the public, with time allotted for public comment after each subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District and will be available for public inspection during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351-6402.

Dated: January 26, 1984.

Gerald E. Hillier,
District Manager, California Desert District.

[FR Doc. 84-3531 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-40-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, March 8, 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 the Spokane District Annual Work Plan.
2. Discussion of the Spokane District Resource Management Plan/Environmental Impact Statement.
3. Discussion of the Plan to establish a detached Resource Area Office in Wenatchee, Washington.
4. General discussion of unfinished business and introduction of any new items to be presented to the Council.
5. 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, E. 4217 Main Avenue, Spokane, Washington 99202, or telephone (509) 456-2570 by the close of business, 4:30 p.m., Friday, March 2, 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.

Albert L. Martin,
Acting District Manager.

[FR Doc. 84-3534 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-84-M

Availability of Planning Criteria; Eagle Lake Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the criteria to be used in the planning amendment for the Eagle Lake Resource Area's Beckwourth Planning Unit is available for public review and comment.

DATES: Comments are being accepted from the public until March 12, 1984.

FOR FURTHER INFORMATION CONTACT: Mark T. Morse, Area Manager, Eagle Lake Resource Area, 2545 Riverside Drive, Susanville, California 96130, Telephone (916) 257-5381.

SUPPLEMENTARY INFORMATION: This planning amendment addresses land tenure adjustment. The NOI was published Tuesday, April 13, 1982 in the Federal Register.

Ben F. Collins,
Associate District Manager.

[FR Doc. 84-3539 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-40-M

Surface Owner Consultation for Federal Coal Planning in the Buffalo Resource Area, Buffalo, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Surface Owner Consultation on Federal Coal Land in Sheridan and Johnson Counties, Wyoming.

SUMMARY: The Buffalo Resource Area is initiating surface owner consultation on federal coal land in Sheridan and Johnson counties during land use planning for the Buffalo Resource Management Plan (RMP). The RMP will be a comprehensive land use plan that will define management of the public land and resources in the Buffalo Resource Area for the next 10 or more years.

Qualified surface owners are requested to express their preference for or against surface coal mining on their private surface that may overlie federal coal in the following townships and ranges.

T58N, Ranges 76, 77, 78, 79, 83, 84, 85 and 86 West

T57N, Ranges 76, 77, 79, 82, 83, 84, 85 and 86 West
 T56N, Ranges 76, 77, 79, 80, 81 and 82 West
 T55N, Ranges 76, 77, 78, 79, 80, 81 and 82 West
 T54N, Ranges 76, 77, 80, 81 and 82 West
 T53N, Ranges 76, 77, 79, 80, 81, 82 and 83 West
 T52N, Ranges 77, 79, 80, 81, 82 and 83 West
 T51N, Ranges 77, 78, 79, 80, 81 and 82 West
 T50N, Ranges 77, 78, 79, 80 and 81 West
 T49N, Ranges 79 and 80 West
 T48N, Ranges 79, 80 and 81 West
 T47N, Ranges 80 and 81 West
 T44N, Ranges 77, 78, 80 and 81 West
 T43N, Ranges 78, 79, 80 and 81 West
 T42N, Ranges 77 and 78 West

A qualified surface owner is defined as:

The natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

- (1) Hold legal or equitable title to the surface of split estate lands;
- (2) Have their principal place of residence on the land, or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations; and
- (3) Have met the conditions of paragraphs (1) and (2) for a period of at least 3 years.

At this time, no effort will be made by the BLM to determine the qualifications of surface owners. We do wish to consult with surface owners in general within the areas described above. Prior to completing the final RMP and Environmental Impact Statement, BLM will begin consultation with individual surface owners via certified letter in priority coal areas where development interest may result in considering federal coal leasing at some future time.

ADDRESS: Surface owners should send their comments to or contact by telephone: Mr. Glenn Bessinger, Area Manager, Buffalo Resource Area, P.O. Box 670, Buffalo, Wyoming 82834, Telephone No. (307) 684-5586.

Comments will be accepted from surface owners until March 19, 1984. The results of consulting with surface owners will be published in the Resource Management Plan and Environmental Impact Statement. In the event that surface owner consultation cannot be completed before the RMP is finalized, it will be completed before any proposed future coal lease tracts are identified. In addition, BLM will again consult with individual surface owners in specific areas, if and when, future coal tracts are to be identified for leasing consideration.

Dated: February 3, 1984.

James W. Monroe,
 District Manager.

[FR Doc. 84-3537 Filed 2-8-84; 8:45 am]
 BILLING CODE 4310-22-M

Colorado; Filing of Plats of Survey

February 2, 1984.

The plats of survey of the following described lands were officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., February 2, 1984.

The plat representing the dependent resurvey of a portion of the subdivisional lines, T. 14, S., R. 66 W., Sixth Principal Meridian, Colorado, Group No. 609, was accepted January 10, 1984.

The plat representing the dependent resurvey of a portion of the west and north boundaries and subdivisional lines, T. 15 S., R. 66 W., Sixth Principal Meridian, Colorado, Group No. 609, was accepted January 10, 1984.

The supplemental plat, showing a subdivision of original lot 19, section 20, T. 10 N., R. 85 W., Sixth Principal Meridian, Colorado, was accepted January 3, 1984.

These surveys were executed and the supplemental plat prepared to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of the west boundary, a portion of the south and north boundaries and subdivisional lines, and the survey of the subdivision of certain sections, T. 2 N., R. 83 W., Sixth Principal Meridian, Colorado, Group No. 650, was accepted January 13, 1984.

The plat representing the corrective dependent resurvey of a portion of the north boundary, T. 9 S., R. 95 W.; the dependent resurvey of a portion of the east boundary, subdivisional lines, and Tracts 48 and 49, T. 8 S., R. 95 W., Sixth Principal Meridian, Colorado, Group No. 722, was accepted January 10, 1984.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of sections 21 and 28, T. 38 N., R. 15 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted January 10, 1984.

The plat representing the dependent resurvey of the west boundary and a portion of the subdivisional lines; the survey of the subdivision of certain sections, and a metes-and-bounds survey in section 7, T. 39 N., R. 17 W., New Mexico Principal Meridian,

Colorado, Group No. 717, was accepted January 10, 1984.

The plat representing the dependent resurvey of the east boundary, T. 40 N., R. 18 W., and the dependent resurvey of a portion of the south and west boundaries, and a portion of the subdivisional lines, and the survey of the subdivision of section 31, T. 40 N., R. 17 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted January 10, 1984.

The plat representing the dependent resurvey of a portion of the south and west boundaries, the north boundary, and a portion of the subdivisional lines; the survey of the subdivision of certain sections and a metes-and-bounds survey in sections 6 and 18, T. 38 N., R. 18 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted January 10, 1984.

These surveys were executed to meet certain administrative needs of the Bureau of Reclamation.

All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Jack A. Eaves,
 Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 84-3530 Filed 2-8-84; 8:45 am]
 BILLING CODE 4310-84-M

Montana; Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: Plats of survey of the lands described below accepted January 10, 1984, will be officially filed in the Montana State Office effective 8 a.m. on March 27, 1984.

Principal Meridian, Montana
 Unsurveyed T. 5 S., R. 12 E.

The plat represents the dependent resurvey of a portion of Homestead Entry Survey No. 950 and the Metes and Bounds Survey of Tract 37 in Unsurveyed Township 5 South, Range 12, East, Principal Meridian, Montana. The area described is in Sweet Grass County.

This survey was executed at the request of the U.S. Forest Service, Region 1, to facilitate a proposed land exchange.

EFFECTIVE DATE: March 27, 1984.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

DATED: January 27, 1984.

Linda M. Wagner,
Chief, Branch of Records.

[FR Doc. 84-3529 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-DN-M

Riley Ridge Natural Gas Project; Sublette, Lincoln, and Sweetwater Counties, Rock Springs District, Wyoming; Availability of the Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Riley Natural Gas Project Record of Decision.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a Record of Decision for the Riley Ridge Natural Gas Project located in Sublette, Lincoln, and Sweetwater Counties, Wyoming, and has made copies available for public review and comment.

Based upon the analysis of environmental consequences described in the Riley Ridge Natural Gas Project Environmental Impact Statement and in consideration of all public, State, and Federal agency, and industry scoping, hearing, and written comments received, the BLM and FS have jointly decided to approve a modification of the Shute Creek Alternative. The Shute Creek Alternative is modified to the extent that the East Dry Basin plant site is preferred to the Buckhorn plant site. Therefore, plant sites would be located at Carven Creek, Shute Creek, and East Dry Basin. Other alternatives considered were the Buckhorn, Northern, and No Action alternatives, as well as the proposed action.

The project is proposed by Northwest Pipeline Corporation and Mobil Oil Corporation; Exxon Company, U.S.A.; and American Quasar Petroleum Company and Williams Exploration Company.

The project will involve the construction, operation, maintenance, and abandonment of deep gas well field in western Wyoming. It also includes gathering lines for the transportation of sour gas within the well field, trunk lines for shipment of sour gas from the well field gathering system to the treatment plants, the treatment plants, sales gas pipelines for delivery of sales gas to existing gas transmission pipelines, and facilities for the handling and transportation of by-products (sulfur and carbon dioxide) to markets.

As a result of any applicant delays in their project plans, the cumulative impacts associated with this project would be reevaluated prior to granting any of the requested Federal actions to determine if they are still within the parameters considered in the EIS.

DATES: The Record of Decision will be available on or about February 20, 1984.

FOR FURTHER INFORMATION OR COPIES

CONTACT: Bill McMahan, Riley Ridge Project Coordinator, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82902, Telephone 307-382-5350.

Hillary A. Oden,
State Director.

[FR Doc. 84-3536 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-22-M

[ORE-017845]

Oregon; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that a 10-acre land withdrawal for the Vale Project continue for an additional 100 years. The land would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

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

The Bureau of Reclamation proposes that the existing land withdrawal made by Public Land Order No. 4059 of July 18, 1966, be continued for a period of 100 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located approximately 40 miles east of Burns and contains 10 acres within Section 18, T. 23 S., R. 37 E., W.M., Malheur County, Oregon.

The purpose of the withdrawal is to protect an administrative site at the Warm Springs Dam and Reservoir which is part of the Vale Reclamation Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

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 continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: January 31, 1984.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-3538 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, D.C. 20503, telephone 202-395-7313.

Title: North American Woodcock Singing-ground Survey.

Abstract: Such survey is conducted annually by the Service in cooperation with State and Canadian conservation agencies to assess the population status of the woodcock. The resulting assessment guides the Service in its promulgation of regulations for hunting the species. The information is also used by the conservation agencies, university associates, and others for various research and management programs designed to conserve the woodcock resource.

Bureau Form Number: 3-156.

Frequency: Annually.

Description of Respondents: Federal, State and Canadian conservation agencies; individuals and households.

Annual Responses: 1,000.

Annual Burden Hours: 580.

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Dated: January 27, 1984.

Ronald E. Lambertson,

Associate Director—Wildlife Resources.

[FR Doc. 84-3572 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf Development Operations Coordination Document; Texaco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Texaco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0310, Block 236, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on January 24, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. David J. Patz, Minerals Management Service, Gulf of Mexico 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.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13,

1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 27, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-3572 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Plan of Development/Production; Pennzoil Exploration and Production Co.

AGENCY: Mineral Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Plan of Development/Production (POD/P).

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a POD/P describing the activities it proposes to conduct on Lease OCS-G 5040, Block 316, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject POD/P was deemed submitted on January 4, 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 plan from the Minerals Management Service.

ADDRESSES: A copy of the subject POD/P is available for public review at the Office of the Regional Manager, Gulf of Mexico 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 POD/P 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: Mr. Hossein Hekmatdoost, Minerals Management Service, Gulf of Mexico Region; Rule and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0873.

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 POD/P and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources in reviewing the POD/P for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in POD/Ps available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 31, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-3574 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Availability of Draft Environmental Impact Statement and Public Hearing on the Proposed Montco Mine, Rosebud County, Montana

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

ACTION: Notice of availability of draft environmental impact statement and public hearing.

SUMMARY: The Office of Surface Mining (OSM) is making available for public review and comment a draft environmental impact statement (EIS) on the proposed Montco mine. This EIS has been prepared to assist the Department, in accordance with the Montana State-Federal cooperative agreement, in making a decision on whether to concur with the Montana Department of State Lands decision on the permit application by Montco for surface mining near the Tongue River in Rosebud County, Montana. A public hearing will be held to obtain comments on this draft EIS. All interested parties are invited to attend this hearing to give their comments.

DATES: *Comment period:* The comment period for the draft EIS will extend until 5:00 p.m. (eastern time) on April 9, 1984.

Public hearing: A public hearing on the draft EIS will be held on March 20, 1984, at 7:00 p.m.

ADDRESSES: Written comments: Hand deliver or mail to the Office of Surface Mining, U.S. Department of the Interior, Division of Environmental and Economic Analysis, Room 134, Interior South Building, 1951 Constitution Avenue, NW., Washington, DC 20240.

Public hearing: Ashland Elementary School, Ashland, Montana.

Availability of copies: Copies of the draft EIS are available at the following OSM offices:

Office of Surface Mining, U.S. Department of the Interior, Room 134, Interior South Building, 1951 Constitution Avenue, NW., Washington, DC 20240 (telephone: 202-343-5854)

Office of Surface Mining, U.S. Department of the Interior, Western Technical Center, Administrator's Office, Brooks Towers, 1020 15th Street, Denver, Colorado 80202 (telephone: 303-837-5421)

FOR FURTHER INFORMATION CONTACT:

Anna May Orellana, Office of Surface Mining, Room 134, Interior South Building, 1951 Constitution Avenue, NW., Washington, DC 20240 (telephone: 202-343-5854).

SUPPLEMENTARY INFORMATION: Written comments: Written comments should be as specific as possible. OSM appreciates all comments, but those most useful and likely to influence decisions in the preparation of the final EIS are those which provide facts and analyses to support any recommendations or conclusions. OSM cannot assure that written comments received after the time indicated under "dates" or at locations other than that in Washington, D.C., indicated under "addresses" will be considered or included in the preparation of the final EIS.

Public hearings: Filing of a written statement by commenters at the time of the hearing is requested and will greatly assist the transcribers. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions. The public hearing will continue on the specified date until all persons who are present in the audience and wish to comment have been heard.

Background: This EIS analyzes the impact on the human environment that would result from concurrence by OSM with the decision of the Montana Department of State Lands (DSL) on the permit application of Montco for the

proposed Montco mine in Rosebud County, Montana. OSM concurrence with the DSL decision is required by Article V.B.8. of the Montana State—Federal cooperative agreement (46 FR 20993, April 8, 1981). The analysis in this EIS was prepared by OSM with input from DSL. Concurrent with this EIS, DSL is preparing a corresponding EIS under the Montana Environmental Policy Act. OSM and DSL are cooperating to the fullest extent possible in the preparation of these separate EIS's.

Applicant's proposal: Montco proposes to open a surface coal mine in the Tongue River valley near Ashland, Montana. The initial permit application proposes to mine at a maximum rate of 6 million tons per year from about 500 acres in the proposed permit area. About 5,000 acres would be mined over the 24-year life of the mine. Annual production would reach 12 million tons by the year 2000 and would employ about 560 workers. The coal would be shipped via a new rail line that would connect with the Burlington Northern mainline along the Yellowstone River.

Alternatives: This EIS evaluates four alternatives that cover the range of decisions available to OSM regarding the DSL decision on the Montco permit application.

Alternative A (the no-action alternative) is not reasonable because part of the proposed facilities for the Montco mine would lie on Federal lands, and therefore a decision by OSM is required by the Montana State-Federal cooperative agreement.

Alternative B is OSM's preferred alternative in which OSM could concur with any of the five alternatives proposed by DSL in its draft EIS on the Montco mine as published in May 1982. These DSL alternatives are (1) approve the permit as proposed, (2) no action, (3) deny the permit, (4) selective denial of the permit, or (5) approve the permit with stipulations (conditions) or mitigating measures.

Alternative C is concurrence with the DSL decision with additional conditions proposed by OSM.

Alternative D would be to withhold concurrence.

Dated: February 3, 1984.

Brent Wahlquist,

Acting Assistant Director, Technical Services and Research.

[FR Doc. 84-3488 Filed 2-8-84; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than (ten days after publication). Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood, (202) 632-3378, IRM/MMP, Room 708B, SA-12, Washington, D.C. 20523.

Date Submitted: February 2, 1984.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: NA.

Type of Submission: New.

Title: Information Collection Elements in the AID Acquisition Regulations (AIDAR).

Purpose: The AID Acquisition Regulations supplement the Federal Acquisition Regulations as a framework for AID contracts. It is used for determining responsibility of potential contractors and for appropriate action in the administration, monitoring, closeout, and other needs for the accomplishments of the AID mission.

Dated Submitted: February 2, 1984.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: NA.

Type of Submission: New.

Title: Grants and Cooperative Agreements Information Collection Requirements Contained in AID's Handbook 13.

Purpose: This collection is based upon a need for prudent management in the determination that a recipient either has the ability or is able to obtain it to competently manage or carry out development assistance programs utilizing public funds.

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget,

Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: February 2, 1984.

Richard F. Calhoun,

Chief, Mandated Management Programs.

[FR Doc. 84-3526 Filed 2-8-84; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30385]

Consolidated Rail Corp.; Trackage Rights Exemption Over Chesapeake and Ohio Railway Co.; Exemption

January 30, 1984.

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1180.4(g) to permit relocation of a line of railroad. The relocation will be accomplished by Conrail: (1) Acquiring trackage rights over a line of the Chesapeake and Ohio Railway Company (Chessie) in the city of Grand Rapids, MI, and (2) abandoning its own line connecting the same points as the Chessie line. This abandonment will be the subject of a separate proceedings. The trackage rights agreement grants Conrail the right to operate its freight trains, cars, and engines, in either direction over the following Chessie lines in Grand Rapids: (1) Beginning at the C&O crossover in Grand Rapids, between Point of Switch at Valuation Station 8021+90 and the Point of Switch at Valuation Station 8019+38, near Grandville Avenue, a distance of 202 feet, and (2) between the Point of Switch at Valuation Station 8040+44 and Valuation Station 8072+33, near Butterworth and Fulton Streets, a distance of 3,199 feet.

This joint project is a relocation of a line of railroad in cooperation with an effect by Grand Rapids to revitalize its central business district. It does not disrupt service to shippers and is an exempt transaction pursuant to 49 CFR 1180.2(d)(5).

As a condition to use of this exemption, any employees affected by the trackage rights agreement shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Medocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-3511 Filed 2-8-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Advisory Board; Meeting

Notice is hereby given that the National Institute of Justice Advisory Board will hold meetings on March 1-2, 1984 from 9:00 a.m. to 5:00 p.m. at the Henley Park Hotel, 929 Massachusetts Avenue NW., Washington, D.C.

The major items of business will include a briefing on FY '84 funding activities, FY '84 program priorities, and FY '84 Advisory Board activities.

The meeting is open to the public. For further information, please contact Betty M. Chemers, National Institute of Justice, U.S. Department of Justice, Washington, D.C. 20531 (202/724-2953).

Dated: February 1, 1984.

James K. Stewart,

Director, National Institute of Justice.

[FR Doc. 84-3525 Filed 2-8-84; 8:45 am]

BILLING CODE 4410-18-M

MERIT SYSTEMS PROTECTION BOARD

Extension of Deadline for Riders to Printing Requisition for "Political Activity and the Federal Employee" and "Political Activity and the State and Local Employee"; Ordering Procedure

AGENCY: Office of the Special Counsel; Merit Systems Protection Board.

ACTION: Notice of extension of deadline for ordering "Political Activity and the Federal Employee" and "Political Activity and the State and Local Employees"; ordering procedures.

SUMMARY: The purpose of this notice is to inform Federal agencies and State and local government offices that the deadline for ordering the Office of the Special Counsel publications entitled "Political Activity and the Federal Employee" and "Political Activity and the State and Local Employees" has been extended from January 30, 1984, to February 27, 1984. Federal agencies may order the publication "Political Activity and the Federal Employee" by riding the Merit Systems Protection Board printing requisition 4-00066. State and local government offices may order the publication "Political Activity and the State and Local Employees" by riding the Merit Systems Protection Board printing requisition 4-00067.

Agencies should submit their requirements to their headquarters printing procurement office. Printing procurement offices should submit

consolidated requirements on Standard Form 1 to the Government Printing Office, Requisitions Section, Room 836, Washington, DC 20401, no later than February 27, 1984. Agencies may estimate cost by using the current Government Printing Office price list of printing services.

FOR FURTHER INFORMATION CONTACT:

H. Alma Hepner, Director of Congressional and Public Relations, Office of the Special Counsel, Merit Systems Protection Board, Suite 1137, 1120 Vermont Avenue, NW, Washington, DC 20419, (202) 653-7984.

For the Special Counsel.

H. Alma Hepner,

Director of Congressional & Public Relations.

[FR Doc. 84-3462 Filed 2-8-84; 8:45 am]

BILLING CODE 7400-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84-13]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Ad Hoc Informal Subcommittee on Space Research and Technology for Future Planetary Missions.

DATE AND TIME: February 29-March 1, 1984, 8 a.m. to 5 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, 600 Independence Avenue, SW., Building 10B, Room 625, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mrs. Lana M. Couch, National Aeronautics and Space Administration, Code RSC, Washington, DC 20546 (202/453-2864).

SUPPLEMENTARY INFORMATION: The Ad Hoc Subcommittee was established to review the adequacy of the current NASA Space research and technology programs supporting future planetary missions. The Subcommittee, chaired by Mr. Robert L. Walquist, is comprised of 8 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons

including the Subcommittee members and participants).

Type of Meeting: Open.

Agenda

February 29, 1984

- 8 a.m.—Welcome and Introduction.
 8:30 a.m.—Future Planetary Mission Needs and Requirements.
 —Mariner Mark II.
 —Augmented Missions.
 —Probes.
 —Sensors and Instrumentation.
 2 p.m.—Space Research and Technology Applicable to Future Planetary Missions—Overview.
 2:30 p.m.—Aerothermodynamics.
 3 p.m.—Materials and Structures.
 3:40 p.m.—Controls.
 4:20 p.m.—Electronics and Sensors.
 5 p.m.—Adjourn.

March 1, 1984

- 8 a.m.—Communications.
 8:30 a.m.—Power.
 9:10 a.m.—Propulsion.
 10 a.m.—Committee Deliberation.
 5 p.m.—Adjourn.

Dated: January 31, 1984.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 84-3468 Filed 2-8-84; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (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).

1. Type of submission, new, revision, or extension: New.
2. The title of the information collection: Required Actions Based on Generic Implications of Salem ATWS Events.
3. The form number if applicable: Not Applicable.
4. How often the collection is required: On occasion.
5. Who will be required or asked to report: Nuclear Power Plant Licensees.
6. An estimate of the number of responses: 257.

7. An estimate of the total number of hours needed to complete the requirement or request: 150,700 hours (50,233 annually).

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not Applicable.

9. Abstract: NUREG-1000, "Generic Implications of ATWS Events at the Salem Nuclear Power Plant," contains a number of intermediate-term actions to be implemented over the next two years. A subset of these actions have been selected to ensure immediate upgrade of the Reactor Protection System, the most important safety system in the plant.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 31st day of Jan. 1984.

For the Nuclear Regulatory Commission,

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84-3552 Filed 2-8-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Units 1 and 2 located in Calvert County, Maryland.

The amendments would revise Limiting Conditions for Operation and Surveillance Requirements for the Control Element Assembly (CEA) Position Indicator channels. These changes would allow expanded use of the "full-in" or "full-out" electrical limit switches to provide indication of CEA position in accordance with the licensee's application for amendment dated September 20, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Limiting Conditions for Operation and Surveillance Requirements for the Control Element Assembly (CEA) Position Indicator Channels are addressed in Calvert Cliffs Units 1 and 2 Technical Specification (TS) 3/4.1.3.3. At the present time, TS 3/4.1.3.3 allows partial "credit" for full-in or full-out CEA position indication in that, with one CEA position indicating channel per CEA group inoperable, reactor operation may continue provided that the affected CEA position is verified via the full-in or full-out electrical limit reed switches. The proposed TS changes would allow expanded credit for these electrical limit reed switches by (1) reorganizing TS 3.1.3.3 to incorporate the full-in and full-out reed switch position indicating channels as one of three CEA position indicating means, (2) allow any CEA to have two of three operable CEA position indicating means, and (3) provide surveillance requirements in TS 4.1.3.3 for the two CEA position indicating means which are being utilized.

As indicated previously, three means of CEA position indication are provided. Each control rod drive mechanism at Calvert Cliffs Units 1 and 2 is provided with a reed switch system provides positive indication of control rod insertion status. The reed switch CEA position indication system utilizes a series of magnetically actuated reed switches, spaced at 2-inch intervals along the CEA housing and arranged with precision resistors in a voltage divider network, to provide voltage signals proportional to CEA position. These signals are displayed in bar chart form by a cathode ray tube (CRT) on the main control board. A logic package associated with the CRT provides redundant alarm functions. A backup readout is provided which can be utilized to read the output of any reed switch voltage divider. The collection of position indicating reed switches for CEA is referred to as a reed switch position indicating channel. In addition to the position indicating reed switches placed at 2-inch intervals, additional

reed switches are located at the "full-out" and "full-in" CEA positions. These reed switches provide verification of full-out/full-in status on a core mimic which is located on the main control panel. The third means of CEA position indication, referred to as "pulse counting" displays a numerical readout of the requested CEA position. At the present time, TS 3.1.3.3 allows "credit" for the full-out or full-in reed switches. Upon failure of up to one position indicating reed switch channel per CEA group, TS 3.1.3.3 allows power operation to continue provided that the positions of the associated CEAs are periodically verified via the full-out or full-in reed switches. The Basis for TS 3.1.3.3 states, in part, "The CEA "Full-In" and "Full-Out" limits provide an additional independent means for determining the CEA positions when the CEAs are at either their fully inserted or fully withdrawn positions. Therefore, the ACTION statements applicable to inoperable CEA position indicators permit continued operations when the positions of CEAs with inoperable position indicators can be verified by the "Full-In" or "Full-Out" limits."

The effect of the proposed TS change is to allow the position of any CEA, with an inoperable CEA position indicating channel, to be verified by the two remaining operable position indicating means. The existing Bases for TS 3/4/1.3.3 recognize all three CEA position indicating means, pulse counting, reed switch stacks, and full-in/full-out electrical limits, to be acceptable means for CEA position indication. The present restriction on use of the full-in/full-out electrical limits to single CEA per CEA group is unnecessary in that each CEA position is determined individually. Thus, the distinction with regard to CEA group is unnecessary in that each CEA, regardless of group assignment, is required to have at least two independent means of CEA position indication. Since each control rod is provided with redundant means of position indication, the margin of safety with regard to indication of accidentally misaligned control rods has not been reduced. In addition, chapter 14 of the Calvert Cliffs FSAR considers a number of accidents that result from misaligned CEAs. Since a high degree of certainty exists with regard to CEA position, neither the probability nor consequences of these accidents will increase. In addition since no changes will be made to plant equipment design or operating conditions no new or different types of accidents will occur. Accordingly, the Commission proposes to determine that the proposed changes

to TS 3/4.1.3.3 involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By March 12, 1984, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the

Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment involve a significant hazards consideration, any hearing held would take place before the issuance of the amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing

after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW, Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. J. Miller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts, and Trowbridge 1800 M Street NW., Washington, DC. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the September 20, 1983 application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 3rd day of February, 1984.

For the Nuclear Regulatory Commission,
James R. Miller,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 84-3546 Filed 2-8-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-289]

GPU Nuclear Corporation (Three Mile Island Nuclear Station, Unit No. 1); Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated January 20, 1984, the Union of Concerned Scientists has requested that the Commission take action to suspend the Three Mile Island Nuclear Station, Unit 1, operating license unless and until certain modifications are made to the Three Mile Island Nuclear Station, Unit 1, emergency feedwater system. The request is based upon information obtained over the last few years concerning the ability of the emergency feedwater system to mitigate design basis accidents for which the main feedwater system is unavailable. Three Mile Island Nuclear Station, Unit 1, was ordered shutdown following the accident at Three Mile Island Nuclear Station, Unit 2, and remains shutdown pending a Commission decision on restart. As provided in 10 CFR 2.206, action will be taken on the request within a reasonable time.

Copies of the request are available in the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555, and in the local Public Document Room for the facility, located at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 27th day of January 1984.

For the Nuclear Regulatory Commission,
Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-3547 Filed 2-8-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the licensee to operate the James A. FitzPatrick Nuclear Power Plant (the facility) at power levels not in excess of 2,436 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and

Orders of the Commission now or hereafter in effect.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) Plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked. On March 19, 1981, the licensee requested and was subsequently granted a scheduler exemption for submitting the required information until February 1982.

The licensee responded to these requirements by letter dated February 26, 1982, and supplemented its response by information contained in letters dated July 13, and November 11, 1981; March 1, April 5, and May 19, 1983.

In these submittals, the licensee requested certain exemptions from the requirements of Section III.G of Appendix R to 10 CFR Part 50. Section III.G of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cable and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires an alternative shutdown capability independent of the fire area of concern. It also requires that a fixed suppression system be installed in the fire area of concern if it contains a large concentration of cables or other combustibles. These alternative requirements are not deemed to be equivalent; however, they provide equivalent protection for those configurations in which they are accepted.

Because it is not possible to predict the specific conditions under which fires may occur and propagate, the design basis protective features are specified in the rule rather than the design basis fire. Plant specific features may require protection different than the measures specified in Section III.G. In such a case the licensee must demonstrate, by means of a detailed fire hazards analysis, the existing protection or existing protection in conjunction with proposed modifications will provide a level of safety equivalent to the technical requirements of Section III.G. of Appendix R.

Our general criteria for accepting an alternative fire protection configuration are the following:

- The alternative assures that one train of equipment necessary to achieve hot shutdown from either the control room or emergency control stations is free from damage.

- The alternative assures that fire damage to at least one train of equipment necessary to achieve cold shutdown is limited such that it can be repaired within a reasonable time (minor repairs with components stored on-site).

- Modifications required to meet Section III.G would not enhance fire protection safety above that provided by either existing or proposed alternatives.

- Modifications required to meet Section III.G would be detrimental to overall facility safety.

The exemption requests we found to be acceptable are as follows:

1. The licensee requested an exemption from the provisions of Section III.G.2 of Appendix R for zones RB-IE and RB-IW, located within east and west sections of the reactor building crescent area, to the extent that at least 20 feet of separation, without intervening combustible material, is required between redundant shutdown divisions.

Within these areas is a location referred to as the "HPCI Area," where Division A and Division B cabling are separated by a distance of 26 feet. However, the intervening space contains combustible material in the form of

cable insulation in overhead trays and lubricating oil in the HPCI system. The licensee's justification for the exemption is based on the following:

A. The Crescent Area is equipped with a complete fire detection system.

B. The HPCI area near the boundary of RB-IE and RB-IW is protected by a manual activated foam fire suppression system and an automatically activated water spray system.

C. Cable trays between redundant systems at the RB-IE and RB-IW zone boundary will be equipped with a water spray system.

D. The Crescent Area contains minimal quantities of combustible material and is equipped with portable fire extinguishers and manual hose stations.

E. The design of the HPCI system is such as to reduce the likelihood of a lubricating oil fire from developing.

F. A fire model was utilized to assess the impact of a fire in the HPCI area. The results, according to the licensee, demonstrates that safe shutdown capability could be maintained after such a fire.

The requirements of Section III.G.2.b regarding separation and intervening combustible materials, are intended to achieve a degree of passive fire protection for redundant shutdown systems. The passive protection, coupled with the III.G.2.b requirements for an area-wide fire detection and fire suppression system, provide reasonable assurance that at least one train of shutdown systems will be free of fire damage. The technical requirements of Section III.G are not met because intervening combustible materials are located between redundant safety divisions.

The HPCI system has certain design features such as shielding of hot surfaces and trouble alarms which reduce the likelihood of a lubricating oil fire. If a fire should occur, the HPCI area is protected by a foam fire suppression system and a water spray system. Protection from fire involving the combustible cable insulation will be provided by the proposed cable tray water spray system.

The licensee used a fire model to verify that an acceptable level of passive fire protection was achieved by the present area configuration, taking no credit for the above referenced fire suppression and detection systems. The separation between redundant cables achieves a level of protection sufficient to provide reasonable assurance that no significant damage would be sustained by redundant safety systems pending fire suppression by the automatic and

manual fire suppression systems or by the fire brigade.

Based on our review of the licensee's submittals, we conclude that additional modifications to meet the requirements of Section III.G.2 would not enhance fire safety above that provided by the existing alternative. Therefore, the licensee's request for exemption for zones RB-IE and RB-IW (East and West Sections of the Reactor Building Crescent Area) should be granted.

2. The licensee requested an exemption from the provisions of Section III.G.2.a of Appendix R for zones RB-1A and RB-IE located within the southeast quadrant of the reactor building at elevation 272 feet, and the east section of the crescent area, to the extent that a 3-hour fire rated barrier between redundant shutdown divisions is required.

Safe shutdown systems located in these zones consist primarily of Division B cabling and components, including those associated with RHR, Core Spray, HPCI, ESW, and manual ADS. Division A components in these areas include power and control cables for a RCIC steam supply valve (among others) and a motor control center.

Existing fire protection for these locations consists of an area-wide smoke detection system; manual hose stations and portable fire extinguishers; fixed fire suppression system for the HPCI enclosure; and a water spray fire suppression system for the cable trays at the southwest boundary of area RB-1A.

In lieu of a 3-hour fire rated enclosure around the open stairway, the licensee has proposed to install a fire barrier of a lesser fire resistance, designed to mitigate the propagation of products of combustion from elevation 227 (Area RB-1E) to elevation 272 (Area RB-1A). The licensee committed to provide a barrier with fire resistance that will be commensurate with the fire loading in the entire zone.

The zones are not in compliance with Appendix R because of the lack of a 3-hour fire rated barrier between redundant divisions at the open stairway between RB-1A and RB-1E.

Although Division A and Division B shutdown components are identified as being potentially damaged by a fire in the subject areas, the licensee has identified a redundant/alternate shutdown capability with systems located, in part, in adjoining fire zones. The viability of this safe shutdown capability is dependent upon the adequacy of the fire protection at zone boundaries, which is the subject of other exemption requests.

The concern with the open stairway between the subject areas is that a fire which originates within RB-1E will propagate to RB-1A via the unprotected stairway. The quantity of combustibles in RB-1E is nearly 10,000 lbs. of cable insulation and lube oil. This represents a fire loading of approximately 41,000 BTUs/sq. ft., which corresponds to a fire severity on the ASTM E-119 time-temperature curve of about 30 minutes. It is the staff's judgment that a fire of this magnitude and duration would not occur because, to assume that it would, ignores the protection afforded by the fire detection and suppression systems previously identified and the damage mitigating actions of the plant fire brigade.

The above considerations provide adequate justification for the erection of a barrier having a fire resistance rating of at least 1-hour in lieu of, the 3 hours specified by Section III.G.2.a. Based on our review of the licensee's submittals, we conclude that the licensee's alternative fire protection configuration will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore the licensee's request for exemption for zones RB-1A and RB-1E (southeast quadrant of the reactor building at elevation 272 feet, and the east section of the crescent area) should be granted.

3. The licensee requested an exemption from the provisions of Section III.G.2.a of Appendix R for zones RB-1A and RB-1C located within the northeast quadrant of the reactor building at elevations 300 and 320 feet, to the extent that a 3-hour fire rated barrier between redundant shutdown divisions is required.

Safe shutdown systems located in these zones consist primarily of Division B cabling and components, including those associated with RHR, Core Spray, ADS, RCIC, HPCI, and ESW. Division A components located in these areas consist of power and control cables for RCIC steam supply valve 13MOV-16, motor control center 151, and injection valves for Division A core spray.

Existing fire protection for these locations consists of an area-wide fire detection system; a manual water spray system above the cable trays at elevation 272 feet at the southwest zone boundary of RB-1A; manual hose stations; and portable fire extinguishers.

In lieu of a 3-hour fire rated enclosure around the stairway, the licensee has proposed to install a fire barrier of a lesser fire resistance, designed to mitigate the propagation of fire from

elevation 300 feet (RB-1C) to elevation 326 feet (RB-1A). The licensee has committed to provide a barrier with fire resistance that will be commensurate with the fire loading in the entire zone.

The zones are not in compliance with Appendix R because of the lack of a 3-hour fire rated barrier between redundant divisions at the connecting stairway between them.

Although Division A and Division B shutdown components are identified as being potentially damaged by a fire in these areas, the licensee has identified a redundant/alternative shutdown capability with systems located, in part, in adjoining fire zones. The viability of this safe shutdown capability is dependent upon the adequacy of the fire protection at zone boundaries, which is the subject of other exemption requests.

The concern with the open stairway between these areas is that a fire which originates within RB-1C will propagate to RB-1A via the unprotected stairway. The quantity of combustibles in elevation 300 ft. (RB-1C) is nearly 17,000 lbs. of cable insulation. This represents a fire loading of approximately 15,000 BTUs/sq. ft. which corresponds to a fire severity on the ASTM E-119 time-temperature curve of about 12 minutes. To assume that a fire of this magnitude and duration would occur does not take into consideration the protection afforded by the fire protection systems that are available and the damage mitigating actions of the plant fire brigade.

The above considerations provide adequate justification for the erection of a barrier having a fire resistance rating of at least 1-hour in lieu of the 3-hours specified by Section III.G.2.a. Based on our review of the licensee's submittals, we conclude that the licensee's alternate fire protection configuration will provide reasonable assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore the licensee's request for exemption for Zones RB-1A and RB-1C (northeast quadrants of the reactor building at elevations 300 and 325 feet) should be granted.

4. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB-1E and RB-1W located within the east and west sections of the reactor building crescent area to the extent that these provisions require either (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening

combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundant with systems located in the adjacent zone.

Specific safety related equipment located within the two zones consists of redundant core spray pumps, redundant RHP pumps, RCIC pump, redundant unit space coolers and motor control centers and related cabling.

Existing fire protection includes an area-wide ionization-type smoke detection system which alarms in the control room; an automatic water spray fire suppression system in the HPCI enclosure (with a capability for manual discharge); a manual foam fire suppression system in the HPCI enclosure; portable fire extinguishers and manual hose stations.

The licensee has committed to install a water spray fire suppression system at the interface area of zones RB-1E and RB-1W. The system will be designed to discharge water in a "curtain" pattern completely across the common zone boundary to preclude the spread of fire damage beyond a single zone.

The zones are not compliance with the above mentioned provisions of Sections III.G and III.L of Appendix R. The staff was concerned that, because of the absence of a complete fire rated barrier between zones, redundant shutdown related systems, which are located in adjoining zones, would be vulnerable to fire damage.

However, the fire zones are provided with complete fire detection systems which achieve area wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free of

damage until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provide a level of fire protection equivalent to that provided by Section III.G. Therefore the exemption requested by the licensee for zones RB-IE and RB-IW (east and west sections of reactor building crescent area) should be granted.

5. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB-1A and RB-1B located within the southeast and southwest quadrants of the reactor building on elevations 272 and 300 feet to the extent that these provisions require either (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundant with systems located in the adjacent zone.

Specific safety related equipment located within the two zones include Division A and Division B systems associated with RHR, core spray, and ADS; Division A, RCIC; and Division B, HPCI.

Existing fire protection for the zones consist of an area-wide fire detection system which alarms in the control room; manual water spray systems above the cable trays at elevation 272 at the southwest zone boundary of RB-1A and RB-1B; portable fire extinguishers; and manual hose stations.

The licensee has committed to install a water spray fire suppression system at the interface areas of zones RB-1A and RB-1B. The system will be designed to discharge water in a "curtain" pattern completely across the common zone boundary to preclude the spread of fire damage beyond a single zone.

The zones are not in compliance with the above mentioned provisions of Section III.G and III.L of Appendix R. The staff was concerned that, because of the absence of a complete fire rated barrier between zones, redundant shutdown-related systems, which are located in adjoining zones, would be vulnerable to fire damage. However, the fire zones are provided with complete fire detection systems which achieve area wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide reasonable assurance

that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free of damage until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provides a level of fire protection equivalent to that provided by Section III.G. Therefore, the exemption requested by the licensee for zones RB-1A and RB-1B (southeast and southwest quadrants of the reactor building on elevations 272 and 300 feet) should be granted.

6. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB-1B and RB-1C located within the northwest and southwest quadrants of the reactor building on elevation 300 feet to the extent that these provisions require either (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundant with systems located in the adjacent zones.

Specific safety related equipment located within the two zones include Divisions A and B systems associated with RHR, Core Spray, ADS, and RCIC; Division B, HPCI; and motor control center 161 (B).

Existing fire protection includes an area wide fire detection system which alarms in the control room; a manual water spray system above the cable trays at elevation 272 feet at the southwest zone boundary of RB-1B; portable fire extinguishers and manual hose stations.

The licensee has committed to install a water spray fire suppression system at the interface area of zones RB-1B and RB-1C. The system will be designed to discharge water in a "curtain" pattern completely across the common zone boundary to preclude the spread of fire damage beyond a single zone.

The zones are not in compliance with the above mentioned provisions of Section III.G and III.L of Appendix R. The staff was concerned that, because of the absence of a complete fire rated barrier between zones, redundant shutdown related systems, which are located in adjoining zones, would be vulnerable to fire damage.

However, the fire zones are provided with complete fire detection systems which achieve area wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free of damage until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provide a level of fire protection equivalent to that provided by Section III.G. Therefore, the exemption requested by the licensee for zones RB-1B and RB-1C (northwest and southwest quadrants of the reactor building on elevation 300 feet) should be granted.

7. The licensee requested an exemption from the provisions of Sections III.G.2, III.G.3 and III.L of Appendix R for zones RB-1B and RB-1A located within the southwest quadrant of the reactor building at elevations 300 and 326 feet to the extent that these provisions require either; (1) a 3-hour fire rated barrier between redundant shutdown divisions, (2) an area wide

automatic fire suppression system with separation by 20 feet free of intervening combustibles or a 1-hour fire barrier, or (3) an alternate shutdown capability independent of the fire area.

Each of these zones contains shutdown systems that are redundant with systems located in the adjacent zone.

Specific safety related equipment located within the two zones include Division A and Division B systems associated with RHR, core spray, and ADS; Division A, RCIC; and Division B, HPCI.

Existing fire protection for the zones consists of an area wide fire detection system which alarms in the control room; manual water spray systems above the cable trays at elevation 272 at the southwest zone boundary of RB-1A and RB-1B; portable fire extinguishers; and manual hose stations.

The zones are not in compliance with the above mentioned provisions of Section III.G and III.L of Appendix R. The staff was concerned that because of the absence of a complete fire rated barrier between zones, redundant shutdown related systems, which are located in adjoining zones, would be vulnerable to fire damage.

However, the fire zones are provided with complete fire detection systems which achieve area wide coverage. Upon activation, these systems alarm both visually and audibly in the control room. These systems provide us with reasonable assurance that a fire would be detected in its initial stage before significant damage occurred. The fire would then be extinguished by the fire brigade using manual fire fighting equipment.

If the fire propagated beyond the immediate area of fire origin, the masonry walls, floor and ceiling would confine the damage to the affected fire zone. At the common zone boundaries, where no such physical barriers exist, the proposed water spray system is designed to activate and discharge water in a "curtain" pattern so as to prevent fire spread into the horizontally or vertically adjoining zones. This type of system has been used successfully to protect conveyor openings in fire walls and escalator openings in buildings. Therefore, there is reasonable assurance that redundant shutdown systems in adjoining zones would remain free until the fire was suppressed manually.

Based on our review of the licensee's submittals, we conclude that the existing fire protection with the proposed modifications provide a level of fire protection equivalent to that provided by Section III.G. Therefore, the exemption requested by the licensee for

zones RB-1B and RB-1A (southwest quadrant of the reactor building at elevations 300 and 326 feet) should be granted.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

Exemption is granted to the extent indicated from the requirements of Sections III.G and III.L of Appendix R of 10 CFR Part 50 for the following areas:

1. Zones RB-1E and RB-1W (East and West sections of the Reactor Building Crescent area)—to the extent that at least 20 feet of separation, without intervening combustible materials, is required between the redundant shutdown divisions.

2. Zones RB-1A and RB-1E (Southeast Quadrant of the Reactor Building at Elevation 272 feet and the East section of the Crescent Area)—to the extent that a 3-hour fire rated barrier between redundant shutdown divisions is required.

3. Zones RB-1A and RB-1C (Northeast Quadrants of the Reactor Building at Elevations 300 and 320 feet)—to the extent that a 3-hour fire rated barrier between redundant shutdown divisions is required.

4. Zones RB-1E and RB-1W (East and West Sections of the Reactor Building Crescent Area)—to the extent that either (1) a 3-hour fire rated barrier between redundant shutdown divisions is required, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1-hour fire barrier, is required, or (3) an alternative shutdown capability independent of fire area, is required.

5. Zones RB-1A and RB-1B (Southeast and Southwest Quadrants of the Reactor Building at Elevations 272 and 300 feet)—to the extent that either (1) a 3-hour fire rated barrier between redundant shutdown divisions is required, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1-hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

6. Zones RB-1B and RB-1C (Northwest and Southwest Quadrants of the Reactor Building at Elevation 300 feet)—to the extent that either (1) a 3-hour fire rated barrier between redundant shutdown divisions is required, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening combustibles,

or a 1-hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

7. Zones RB-1B and RB-1A (Southwest Quadrant of the Reactor Building at Elevations 300 and 326 feet)—to the extent that either (1) a 3-hour fire rated barrier between redundant shutdown divisions is required, (2) an area wide automatic fire suppression system with separation by 20 feet free of intervening combustibles, or a 1-hour fire barrier, is required, or (3) an alternate shutdown capability independent of fire area, is required.

The NRC Staff has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland, this 1st day of February 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 84-3548 Filed 2-8-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York (Indian Point Plant, Unit No. 3); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64 which authorizes operation of the Indian Point Nuclear Plant, Unit No. 3 (the facility). This license provides, among other things that the facility is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in Westchester County, New York.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains certain specific requirements of fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit: (1) Plans and

schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of Section 50.48(c)(6) was to be invoked.

This exemption relates to the requirements of paragraph III.G.2 and III.G.3 of Appendix R as they apply to nine areas at Indian Point 3. Exemptions were requested by the licensee by letters dated July 1, 1982, November 22, 1982, and January 12, 1983. These nine areas are:

- (1) Upper Electrical Penetration Area (Fire Area 73A)
- (2) Upper Electrical Cable Tunnel (Fire Area 7A)
- (3) Lower Electrical Cable Tunnel (Fire Area 60A)
- (4) Intervening Combustible Material in the Cable Tunnels
- (5) Sump and Pump Room (Fire Area 36A)
- (6) Outer Annulus (Fire Area 72A)
- (7) Outer Annulus (Fire Area 76A)
- (8) Recirculation Pumps and RHR Heat Exchanger Area (Fire Area 78A)
- (9) Control Room (Fire Area 15A)

The technical requirements of Section III.G.2 are not met in the Upper Electrical Penetrations Area and Cable Tunnels (areas 1, 2, 3, and 4 above) because redundant shutdown divisions are not separated by more than 20 feet without intervening combustible materials. In addition, the alternate shutdown capability for the vulnerable normal shutdown systems in the lower cable tunnel is not independent of the lower cable tunnel.

The fire hazard hazard in these areas is small. If a fire should occur, the existing fire detection system would provide reasonable assurance of early fire awareness by the plant operators and fire brigade, who would extinguish the fire with manual fire fighting equipment. If the fire propagates rapidly and room temperatures rise significantly above ambient before the arrival of the fire brigade, the automatic fire suppression system is expected to operate and limit fire damage. During the time interval between the advent of fire and the arrival of the plant fire brigade or the activation of the fire suppression system, the distance between shutdown systems, which varies between 12 feet and more than 40 feet, provides reasonable assurance that at least one shutdown division or the alternate shutdown capability cabling will remain free of fire damage.

Because of the glass and asbestos braid construction of the cables in these

areas, fire is not expected to propagate along the cable to any significant degree. A series of tests were conducted on the cables. These tests were referenced in the licensee's letter of November 22, 1982. They included: A vertical flame spread test in accordance with ASTM D-470-59T, "Test for Rubber and Thermoplastic Insulated Wire and Cable"; a five minute vertical flame test made with cable held in a vertical position and a 1,750° F flame applied for 5 minutes; and a bonfire test which consists of exposing for 5 minutes bundles of three and six cables to a flame produced by igniting transformer oil in a 12-inch pail with the cable supported horizontally over the center of the pail and the lowest cable 3 inches above the top of the pail. The results of these tests indicate that a postulated fire commensurate with the transient fire hazard would not cause flame propagation along the cables to a significant degree.

Based on our evaluation, we conclude that the existing fire protection for the configuration inside the cable tunnels and electrical penetration area provides an acceptable level of fire protection equivalent to that provided by Section III.G.2, and therefore the request for this exemption is granted.

The technical requirements of Section III.G.2 are not met in the Sump and Pump Room, Outer Annulus and RHR Heat Exchanger Area (areas 5, 6, 7 and 8 above) because fire detection and fixed fire suppression systems have not been provided throughout the areas. Our concern with the level of fire safety is that a fire may occur, propagate and damage both normal and alternate shutdown systems before being discovered and extinguished by the plant fire brigade.

The licensee has identified an alternate or redundant shutdown capability for all of the safe shutdown systems located in the fire areas. The adequacy of the capability is dependent on fire damage not occurring beyond the boundary of the fire area.

In the sump and pump room (Fire Area 36A) the boundary walls, floor and ceiling are 3-hour fire rated. This fire-resistant construction, coupled with the limited fire loading, provides reasonable assurance that fire damage will be limited to the confines of the room.

In the three fire areas on elevation 46 feet of the containment building, no significant fire hazard exists within the principal fire zones. Because of the negligible amount of combustible material in these zones, smoke generation and elevated temperatures from any credible fire will not be extensive. In addition, because of the

height of the ceiling in the outer annulus and the size of the total fire area, the damaging effects from a fire would be mitigated.

Based on our evaluation, we conclude that the licensee's alternate fire protection configuration, will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Therefore, the licensee's request for exemptions for the areas identified in this Section is granted.

The technical requirements of Section III.G.3 are not met in the Control Room (area 9 above) because of the absence of an area-wide, fixed fire suppression system. The fire hazard in this area is low. Because of the dispersion of the combustible materials that may ignite, a potential fire would tend to develop slowly. Because of the smoke detection system and the continuous manning in the control room, a fire would be detected in its initial state and extinguished before serious damage occurred.

If serious damage should occur before the arrival of the plant fire brigade, an alternate shutdown capability exists that is independent of the control room. Therefore, safe shutdown could be achieved and maintained.

These exemptions are contingent upon the licensee's maintenance of administrative control over transient combustibles which are equivalent to those specified in 10 CFR 50, Appendix R, Section III.K.1 through III.K.8 and any specific characterization of transient combustibles or design features related thereto that are specifically discussed in our SER.

Based on its evaluation, the staff concludes that the existing fire protection provides an acceptable level of safety equivalent to that achieved by compliance with Section III.G.2 and, therefore, the licensee's request for an exemption is approved.

Based on our evaluation, we find that the level of fire safety in the areas listed below is equivalent to that achieved by compliance with the technical requirements of Section III.G.2 and III.G.3 of Appendix R and, therefore, the licensee's request for exemption in these areas is granted:

1. Fire Area 73A (Electrical Penetration Area (Upper)),
2. Fire Area 7A (Upper Electrical Cable Tunnel),
3. Fire Area 60A (Lower Electrical Cable Tunnel),
4. Intervening Combustible Material in the Cable Tunnels,
5. Fire Area 36A (Sump and Pump Room),
6. Fire Area 72A (Outer Annulus),

7. Fire Area 76A (Outer Annulus);
8. Fire Area 78A (Recirc. Pumps and RHR Heat Exchanger Area), and
9. Fire Area 152 (Control Room).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, these exemptions are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. The Commission hereby approves the requested exemptions from Appendix R of 10 CFR Part 50 paragraph III.G.2 and III.G.3.

We have determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 2nd day of February 1984.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-3549 Filed 2-8-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Co. (Salem Nuclear Generating Station, Units 1 and 2); Modification of May 6, 1983, Order

I

Public Service Electric and Gas Company (the licensee) holds License Nos. DPR-70 and DPR-75 which authorize operation of Units 1 and 2 of the Salem Nuclear Generating Station. The facilities are Westinghouse pressurized water reactors (PWRs) located at the licensee's site at Hancock's Bridge, Salem County, New Jersey.

II

On February 25, 1983, an event occurred at Unit 1 of the Salem Nuclear Generating Station when the control rods failed to insert when the reactor-trip circuit breakers failed to automatically open following receipt of a valid trip signal from the Reactor Protection System. The manual trip system was used to shut down the reactor. Subsequently, it was concluded by the licensee that the failure to trip was caused by a malfunction of the undervoltage trip attachments in both reactor-trip circuit breakers. Evaluation of the event of February 25, 1983,

revealed that a similar failure had occurred on February 22, 1983, at Salem 1. There had also been a previous event at Salem 2 involving a failure of one reactor trip circuit breaker to trip on January 6, 1983.

The NRC review of the event revealed a number of significant deficiencies relating to management supervision and control of the procedures governing the classification of the reactor trip breakers as safety-related, management supervision of maintenance techniques, and management attention to the safety implications of system malfunctions. This review was set forth in NUREG-0977, "NRC Fact-Finding Task Force Report on the ATWS Events at Salem Nuclear Generating Station, Unit 1, on February 22, and 25, 1983," dated March 1983.

By letters dated March 1, March 8, March 13, March 23, April 4, April 7, April 8, April 11, April 13, April 22, April 27, and April 28, 1983, the licensee submitted its Corrective Action Program related to the reactor trip breaker failures. This program included short-term remedial actions to be completed prior to startup of the unit and a number of longer term items which had not been completed but for which the licensee has established completion dates. The NRC staff reviewed the corrective action program and determined that the licensee's actions were necessary to assure continued safe operation of the facility.

Accordingly, by Order dated May 6, 1983, the licensee was directed to implement and maintain the items specified in the Corrective Action Program as more fully detailed in the licensee's letter dated April 28, 1983. One long term corrective action item identified in the Program required the development of a comprehensive Managed Maintenance Program for safety related systems to be implemented by January 1984. (Item C.8.a.4)

A Managed Maintenance Program had been originally initiated by the licensee in July 1982 to provide preventive maintenance for major components of both safety and non-safety related systems. Following the events of February 1983, the scope of the program was modified and increased such that all safety related components would be addressed by January 1984. Non-safety related components and systems were to be considered at a later date.

At the time the January 1984 commitment was made, the licensee believed the date to be achievable. However, due to the magnitude of the effort required to fully research every safety related component and the

attention to detail required to ensure accuracy in the development process, the licensee now believes that additional time will be required to complete the programs, and that attempting to complete the program by the January 1984 commitment date would compromise the accuracy and quality of the program, thereby diminishing its overall effectiveness.

III

Accordingly by letter dated November 14, 1983, the licensee requested that the May 6, 1983, Order for Salem Generating Station Units 1 and 2 be amended to incorporate a revised schedule.

The licensee proposes that the following measures be taken in lieu of complete implementation of the Managed Maintenance Program by January 1984:

1. Implementation of the program for each safety related system is expected to commence as soon as its development is complete.

2. The fifteen (15) systems identified in the licensee's letter dated November 14, 1983, will be completed by February 1984. These systems were selected based upon their importance in the safe shutdown and cooling of the reactor plant and in minimizing the potential release of radioactive material to the general public. Planned maintenance activities on these systems are expected to be performed as scheduled in the program.

3. Safety related systems not identified in the licensee's letter dated November 14, 1983, will be reviewed and critical components of those systems will have appropriate interim programs established by February 1984. Planned maintenance activities on these components are expected to be performed as scheduled in the program.

4. Implementation of the program for each safety related component and system not identified in the licensee's letter dated November 14, 1983, is expected to begin as soon as it is developed. This will be completed by June 1984.

5. If a new procedure or a revision to an existing procedure is required for a particular planned maintenance activity, that procedure or revision will be completed prior to the scheduled date of that activity.

6. A program will be established to identify those safety related items which have not been included in the Managed Maintenance Program as of June 30, 1984. For example, implementation would be delayed for an item where a design change has been installed following the time when the original

Managed Maintenance Program data was collected, or where a discrepancy such as conflicting information between two source documents has been identified and the engineering evaluation/resolution would then be pending. This program will contain a scheduled resolution date for each such item.

The Commission has been monitoring the status of all long lead items identified in the licensee's Corrective Action Program. The review has determined that the licensee is making a diligent effort to complete the Managed Maintenance Program and has established good cause for its proposed delay. Some of the reasons for the proposed delay are rejection of vendor initial submittals because of insufficient quality, increasing program scope, and administrative and computer difficulties during the early part of the program. The program is now working smoothly. A total of 50 fulltime individuals are now being applied to the program. The licensee appears to have properly prioritized the systems, and the more important systems will be completed by February 1984. The Commission has therefore determined to permit an extension of the completion date for the program to June 1984.

IV

According, pursuant to the Atomic Energy Act of 1954 as amended, including Sections 103 and 161i and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that the completion date for Item C.8.a.4 of the licensee's Corrective Action Program required pursuant to the May 6, 1983 "Order Modifying License Effective Immediately" is modified to as follows:

1. The Managed Maintenance Program for the 15 systems identified in the licensee's November 14, 1983, letter shall be completed by February 28, 1984.
2. An interim program for critical components of safety related systems not identified in the licensee's November 14, 1983, letter shall be completed by February 28, 1984.
3. Development of the Managed Maintenance Program for all safety related components and system shall be completed by June 30, 1984.

The Order of May 6, 1983, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order. Any request for hearing shall be submitted within 20 days of the date of publication of this Order in the **Federal Register** to the Director, Office of Nuclear Reactor Regulation, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555, a copy of the request shall also be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at such a hearing shall be whether the completion date for Item C.8.a.4 of the licensee's Corrective Action Program, required pursuant to the May 6, 1983 "Order Modifying License Effective Immediately" should be modified as provided in Section IV of this Order.

This Order shall become effective upon the licensee's consent or upon expiration of the period within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an Order issued following further proceedings on this Order.

For the Nuclear Regulatory Commission,
Dated at Bethesda, Maryland, this 31st day of January 1984.

Robert A. Purple,
Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-3550 Filed 2-8-84; 8:45 am]

BILLING CODE 7590-01-M

Availability of NUREG-1050 (Draft for Comment); "Probabilistic Risk Assessment (PRA); Status Report and Guidance for Regulatory Application"

In the plan to evaluate the NRC's Safety Goal Policy Statement (issued for comment in NUREG-0880, Rev. 1, in May 1983), the Office of Nuclear Regulatory Research was directed " * * * to collect available information on PRA studies and prepare a reference document that describes the current status of knowledge concerning the risks of plants licensed in the U.S. It is essential that a reference document be prepared and receive peer review so that the staff, licensees, and public have a common base of information on the dominant contributors to the probability of core melt and to the public risk due to radiation from serious nuclear accidents, the strengths and weaknesses of current plant designs and operations, and the usefulness of PRA and the safety goals in assessing such strengths and weaknesses." NUREG-1050 (draft for comment) has been prepared in response to that directive and is now available for public comment. This draft report presents the current status of PRA usage, discusses the level of

maturity of the various elements of PRA methodology presents insights gained from analyses performed to date, and discusses potential uses of PRA techniques in the regulation of nuclear reactors.

Free single copies of draft NUREG-1050 may be requested for public comment by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Public comment is solicited, and any comments received within 45 days of the date of the **Federal Register** notice will be considered in the final document. Comments and/or questions should be directed to Mr. Joseph A. Murphy, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-7921.

Also, a peer review workshop to discuss the draft report will be held in Atlanta, Georgia, on February 22 and 23 at the Westin Peachtree Plaza Hotel. The workshop will begin at 8:30 a.m. on both days and will be open to the public. While the discussions will normally be restricted to the invited workshop panelists, time will be allotted to receive limited comments from members of the public observing the meeting. Since facilities for this workshop are somewhat limited, members of the public planning to attend should notify Mr. Jack Hickman, Sandia National Laboratories, at 505-844-3874 as soon as possible.

After the public and workshop comments are considered, a final document will be issued in May 1984. As a final step in the peer review process, there will be an independent review of the final document by the National Science Foundation, to start in the late spring of 1984.

Dated at Rockville, Maryland, this 3rd day of February 1984.

Malcolm L. Ernst,
Acting Director, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 84-3551 Filed 2-8-84; 8:45 am]

BILLING CODE 7590-01-M

286th Meeting of the NRC Advisory Committee on Reactor Safeguards; Amendment

The schedule for the 286th ACRS Meeting to be held on February 9-11, 1984 in Room 1046 at 1717 H Street, NW., Washington, D.C. is revised as noted below:

"Friday, February 10, 1984, Room 1046, 1717 H Street, NW., Washington, D.C. 9:30 A.M.-10:30 A.M.: Edwin I.

Hatch Nuclear Power Plant Unit No. 2 (Open)—The members will hear and discuss a report from representatives of the NRC Staff regarding the detection of a major crack in a safety-related system (containment) at this facility. Members of the Committee will discuss proposed ACRS action/comments regarding the proposed method for inspection and/or repair of this and other plants of this type which are still in operation.

10:30 A.M.—12:00 NOON: Preparation of ACRS Reports (Open)—The members will discuss proposed reports to the NRC and the U.S. Congress regarding items considered at this meeting."

This change in meeting schedule is necessary to permit prompt consideration by the Committee of a safety issue of major significance with respect to several nuclear power plants currently in operation.

Dated: February 6, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

(FR Doc. 84-3873 Filed 2-8-84; 8:45 am)

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Midwest Stock Exchange, Inc., Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 6, 1984.

In the matter of applications of the Midwest Stock Exchange, Inc., for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

El Torito Restaurants, Inc.

Common Stock, \$.01 Par Value (File No. 7-7353)

Pandick, Inc.

Common Stock, \$.10 Par Value (File No. 7-7354)

Midlands Energy

Common Stock, \$.01 Par Value (File No. 7-7355)

Homestead Financial Corporation

Common Stock, \$.375 Par Value (File No. 7-7356)

The New York Times

Common Stock, \$.10 Par Value (File No. 7-7357)

Trans World Airlines, Inc.

\$.25 Cumulative Convertible Preferred B, \$.001 Par Value (File

No. 7-7258)

The Toro Company (Delaware)

Common Stock, \$1 Par Value (File No. 7-7359)

Kaiser Steel Corporation (Delaware)

Common Stock, \$.66 2/3 Par Value (File No. 7-7360)

Murphy Oil Company (Holding Company)

Common Stock, \$1 Par Value (File No. 7-7361)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 28, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

(FR Doc. 84-3868 Filed 2-8-84; 8:45 am)

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 6, 1984.

In the matter of applications of the Philadelphia Stock Exchange, Inc., for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Pacific Telesis Group

Common Stock, \$.10 Par Value (File No. 7-7362)

Southwestern Bell Corp.

Common Stock, \$1 Par Value (File No. 7-7363)

These securities are listed and registered on one or more other national

securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 28, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

(FR Doc. 84-3867 Filed 2-8-84; 8:45 am)

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-0459]

Domestic Capital, Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1983)] under the name of Domestic Capital, Corp., 815 reservoier Avenue, Cranston, Rhode Island 02910, for a License to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder are as follows:

Nathaniel B. Baker, 738 Elmgrove Avenue, Providence, Rhode Island 02906—President, Treasurer and Director
James B. Lawton, 70 King Philip Avenue, Bristol, Rhode Island—Director
James B. Tavares, 9 White Street, Pawtucket, Rhode Island—Director
Norman Jay Bolotow, 4 Blount Circle, Barrington, Rhode Island 02806—Secretary

Domestic Safe Deposit Co. (DSDC) is the sole stockholder of the applicant. DSDC is wholly owned by Domestic

Credit Corporation (DCC). DCC is wholly owned by Sargeant Investors, Inc., (SII). SII is wholly owned by Nathaniel B. Baker, President of the applicant.

The Applicant, will begin with capitalization of \$506,000 which will be a source of both equity and debt financing to qualified small business concerns for expansion and working capital.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit to SBA in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. A copy of this Notice shall be published in a newspaper of general circulation in Cranston, Rhode Island.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 2, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 84-3593 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0226]

First Tampa Capital Corp.; Issuance of a Small Business Investment Company License

On November 8, 1983, a notice was published in the *Federal Register* (48 FR 51392), stating that an application has been filed by First Tampa Capital Corporation, 4800 N. Dale Mabry Highway, Tampa, Florida 33614 with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)) for a license as a small business investment company.

Interested parties were given until close of business November 23, 1983, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business

Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA has issued License No. 04/04-0226 on January 18, 1984, to First Tampa Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 2, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 84-3594 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3042 Amdt. No. 1]

Louisiana; Declaration of Physical Disaster Loan Area

The above numbered declaration (49 FR 1307) is amended pursuant to the Secretary of Agriculture's Designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

State of Louisiana

| FmHA | | Incident and date |
|---|----------|---|
| Number | Date | |
| S110 | 12/22/84 | Severe losses to crops caused by high winds, tornadoes, hail, excessive rainfall causing flooding and cold, wet spring beginning May 15, 1983, through June 15, 1983; and severe drought beginning July 1, 1983, and continuing through September 19, 1983. * Severe drought beginning July 1, 1983, and continuing through September 19, 1983. |
| Parishes | | |
| Caldwell and Catahoula * Morehouse and Union. | | |

As a result of this designation, I have determined the above Parishes in the State of Louisiana constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status: corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

| | Percent |
|--|---------|
| Agricultural enterprises with credit available elsewhere..... | 10.5 |
| Agricultural enterprises without credit available elsewhere..... | 8.0 |
| Non-farm small businesses (Economic Injury)..... | 8.0 |

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on June 22, 1984. The number assigned to this disaster is 3042 for Physical damage to eligible agricultural enterprises and for Economic Injury is 611801. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 3 Disaster Office, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, (800) 527-7735 and in Texas (800) 442-7206 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 1, 1984.

Bernard Kulik,
Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-3591 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/05-0086]

Market Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Market Capital Corporation (MCC), 1102 N. 28th Street, P.O. Box 22667, Tampa, Florida 33622, a Federal Licensee under the Small Business Investment Act of 1958 (Act), as amended, has filed and application with the Small Business Administration (SBA) pursuant to § 312 of the Act and covered by § 107.903 of the SBA Rules and Regulations, governing small business investment companies (13 CFR 107.903(1984)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, MCC proposes to invest \$56,378 in Futral Markets, Inc. (Futral), 205 North Scenic Highway, Frostproof, Florida 33843, to increase its working capital.

The proposed financing is brought within the purview of § 107.1004 of the SBA Regulations since Mr. Robert H. Futral is a member of the Board of Directors of Affiliated of Florida, Inc., a retail cooperative, the membership of which are the stockholders of MCC. Accordingly, Mr. Futral is considered by SBA to be an Associate of MCC.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 84-3595 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3043; Amdt. No. 1]

Michigan; Declaration of Physical Disaster Loan Area

The above declaration (49 FR 1307) is amended pursuant to the Secretary of Agriculture's Designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

State of Michigan

| FmHA | | Incident and date |
|--------|----------|---|
| Number | Date | |
| S112 | 12/16/83 | Freezing temperatures occurring May 9, 1983 through May 26, 1983. *Freezing temperatures occurring May 9, 1983 through May 26, 1983, and drought, June 1, 1983 through September 1, 1983. Counties Manistee and * Van Buren. |

As a result of this designation, I have determined the above counties in the State of Michigan constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status: Corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

| | Percent |
|--|---------|
| Agricultural enterprises with credit available elsewhere..... | 10.5 |
| Agricultural enterprises without credit available elsewhere..... | 8.0 |
| Non-farm small businesses (Economic Injury)..... | 8.0 |

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on June 18, 1984. The number assigned to this disaster is 3043 for Physical damage to eligible agricultural enterprises and for Economic Injury 611901. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303, (800) 554-3455 and in Georgia (800) 241-5625 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 1, 1984.

Bernard Kulik,
Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-3589 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3030]

South Dakota; Declaration of Physical Disaster Loan Area

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has authorized the acceptance of emergency loan applications in the following area:

State of South Dakota

| Authorized by FmHA | | Incident and date |
|--------------------|----------|---|
| Number | Date | |
| S115 | 12/29/83 | Excessive rains and flooding beginning June 6, 1983 and continuing through June 26, 1983. |

| Authorized by FmHA | | Incident and date |
|--------------------|------|-------------------------------------|
| Number | Date | |
| | | Counties Clay, Turner and Union. |

As a result of this designation, I have determined the above counties in the State of South Dakota constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

| | Percent |
|--|---------|
| Agricultural enterprises with credit available elsewhere..... | 10.5 |
| Agricultural enterprises without credit available elsewhere..... | 8.0 |
| Non-farm small businesses (Economic Injury)..... | 8.0 |

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on June 29, 1984. The number assigned to this disaster is 3030 for Physical damage to eligible agricultural enterprises and for Economic Injury 612001. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 4 Disaster Office, 77 Cadillac Drive, Suite 158, Sacramento, California 95825, (800) 468-1710 and in California (800) 468-1713 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: February 1, 1984.

Bernard Kulik,
Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-3590 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3025; Amdt. No. 2]**Texas; Declaration of Physical Disaster Loan Area**

The above numbered declaration (48 FR 55798, Amendment #1—49 FR 57369) is amended pursuant to the Secretary of Agriculture's designation authorizing Farmers Home Administration (FmHA) to accept emergency loan applications in the following area:

State of Texas

| FmHA | | Incident and date |
|--------|----------|---|
| Number | Date | |
| SO-82 | 12/16/83 | Drought beginning June 19, 1983, and continuing. County Hall. |

As a result of this designation, I have determined the above County in the State of Texas constitutes a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

| | Percent |
|--|---------|
| Agricultural enterprises with credit available elsewhere..... | 10.5 |
| Agricultural enterprises without credit available elsewhere..... | 8.0 |
| Non-farm small businesses (Economic Injury)..... | 8.0 |

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed until the close of business on June 18, 1984. The number assigned to this disaster is 3025 for Physical damage to eligible agricultural enterprises and for Economic Injury 605801. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 3 Disaster Office, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, (800) 527-7735 and in

Texas (800) 442-7206 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: February 1, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-3592 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3031]**Vermont; Declaration of Physical Disaster Loan Area**

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has authorized the acceptance of emergency loan applications in the following area:

State of Vermont

| FmHA | | Incident and date |
|--------|--------|--|
| Number | Date | |
| S116 | 1/4/84 | Losses to vegetable crops due to severe thunderstorms accompanied by high wind and hail during the evening of August 8, 1983. County Chittenden. |

As a result of this designation, I have determined the above county in the State of Vermont constitutes a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for Economic Injury Disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

| | Percent |
|--|---------|
| Agricultural enterprises with credit available elsewhere..... | 11.0 |
| Agricultural enterprises without credit available elsewhere..... | 8.0 |
| Non-farm small businesses (economic injury)..... | 8.0 |

Loan applications for Physical Disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for Economic Injury for non-farm small businesses may be filed

until the close of business on July 5, 1984. The number assigned to this disaster is 3031 for Physical damage to eligible agricultural enterprises and for Economic Injury 612601. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 1 Disaster Office, 15-01 Broadway, Fair Lawn, New Jersey 07410, (201) 794-8195 or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 3, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-3596 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 894]

Agency Form Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted two collections of information to the Office of Management and Budget for review.

SUMMARY: The following summarizes the information collection proposals submitted to OMB:

1. Form number—Optional Form 156

Title—Nonimmigrant Visa Application.
Purpose—Used to apply for entry into the United States for a temporary stay.

Type of request—Revision/extension.
Origin—Bureau of Consular Affairs.
Frequency—On occasion.
Respondents—Aliens who wish to enter the United States for business or pleasure.

Estimated number of responses—3,000,000.

Estimated total number of hours needed to respond—600,000.

2. Form number—DSP-10

Title—Statement of Identity.
Purpose—Used to establish identity of a passport applicant who has not submitted adequate evidence with their application.

Type of request—Extension.
Origin—Bureau of Consular Affairs.
Frequency—On occasion.
Respondents—Persons acquainted with the passport applicant.

Estimated number of responses—2,600.
Estimated total number of hours needed to respond—216

Section 3504(h) of Pub. L. 96-511 does not apply.

Additional Information or Comments: Copies of the forms and supporting documents may be obtained from Gail J. Cook (202) 632-3602. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7231.

Dated: January 30, 1984

Robert E. Lamb,

Assistant Secretary for Administration.

[FR Doc. 84-3527 Filed 2-8-84; 8:45 am]

BILLING CODE 4710-22-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 84-004]

Port Access Routes; Approach to New York

AGENCY: Coast Guard, DOT.

ACTION: Notice of study.

SUMMARY: The Coast Guard is undertaking a study of the potential vessel traffic density and the need for safe access routes in the Nantucket to Ambrose approach to New York. New safety fairways will be considered for this area. This study is being conducted in accordance with standards contained in the Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474; 33 U.S.C. 1223 and 1224). As a result of this study, new or modified routing measures may be proposed in a future **Federal Register**. Also, the results of this study could cause restrictions in the manner in which specific offshore areas leased after the date of this notice may be explored and developed.

Specifically, the area to be examined during the study is bounded by a line connecting the following geographic positions:

- (1) 40°28'15" ÷ ÷ N. 73°40'45" ÷ ÷ W.
- (2) 40°32'30" ÷ ÷ N. 73°11'36" ÷ ÷ W.
- (3) 40°32'36" ÷ ÷ N. 73°05'00" ÷ ÷ W.
- (4) 40°35'48" ÷ ÷ N. 70°14'12" ÷ ÷ W.
- (5) 40°37'00" ÷ ÷ N. 69°15'12" ÷ ÷ W.
- (6) 40°23'36" ÷ ÷ N. 69°14'35" ÷ ÷ W.
- (7) 40°22'25" ÷ ÷ N. 70°13'32" ÷ ÷ W.
- (8) 40°19'06" ÷ ÷ N. 73°04'56" ÷ ÷ W.
- (9) 40°18'54" ÷ ÷ N. 73°11'33" ÷ ÷ W.
- (10) 40°24'48" ÷ ÷ N. 73°41'28" ÷ ÷ W.
- (11) Then back to 40°28'15" ÷ ÷ N. 73°40'45" ÷ ÷ W.

The above area encompasses two parts of the existing traffic separation scheme (TSS) off New York: the Eastern approach, off Nantucket and the Eastern approach, off Ambrose Light. Additionally, it includes the "corridor" regularly used by vessels transiting from the "Eastern approach, off Nantucket"

part of the TSS to the "Eastern approach, off Ambrose Light" part of the TSS and vice versa. The study area is approximately 500 meters wider than the existing TSS to allow for the study of the need for a fairway buffer area along the traffic lanes.

Port access routing needs in this area were previously studied in 1980; and results were published on October 5, 1981 in 46 FR 49035. It was announced that recent oil exploration did not create a need for additional routing measures at that time. However, the schedule of OCS lease sales including tracts in the area between the existing portions of the TSS pose a potentially significant impact on navigation and the Coast Guard has determined that the area must be restudied.

The Third Coast Guard District will be conducting the study and developing recommendations. Following is the name, address and telephone number of the project officer who will be responsible for the study of this area: Ltjg K. L. King, Commander (mpv-p), Third Coast Guard District, Governors Island, New York, NY 10004, (212) 668-7179.

The Coast Guard is interested in receiving information and opinions from persons who have an interest in safe routing of ships as affected by other uses of the area. Written comments should be mailed to the above address. In accordance with the PWSA, the Coast Guard will directly consult with the Secretaries of State, the Interior, Commerce and Army, and the Governors of the affected states during the study. In order to be most useful, any relevant information should be made available to the Third District office by June 30, 1984.

In particular, the Coast Guard would like comments pertaining to the need for and the benefits and costs of a shipping safety fairway between the "Eastern approach, off Nantucket" and "Eastern approach, off Ambrose Light" parts of the "Off New York" TSS. Vessel operators are invited to comment on any navigational benefits of having a safety fairway. Offshore developers are encouraged to identify and support any foreseeable cost impact of indirect access resulting from a new fairway.

Study Policies

The actions to be taken as a result of this study cannot be specified at this time. However, the Coast Guard will be governed by certain policies which are emphasized here to assist those who wish to submit comments. These policies and intentions are based on Coast Guard experience in the areas of vessel traffic management, navigation,

shiphandling, the effects of weather, and prior analysis of the traffic density in certain regions, as well as the mandates of the PWSA.

The PWSA directs that the Secretary (Coast Guard) " * * * provide safe access routes for the movement of vessel traffic proceeding to and from ports * * * and shall designate necessary fairways and traffic separation schemes" in which the "paramount right of navigation over all other uses" shall be recognized. Before a designation can be made, the Coast Guard is required to "undertake a study of the potential traffic density and the need for safe access routes."

During the study, the Coast Guard is directed to consult with federal and state agencies and to "consider the views of representatives of the maritime community, port and harbor authorities or associations, environmental groups, and other parties who may be affected by the proposed action."

The use conflict which is of current concern in the area to be studied involves the present or potential placement of oil exploration and production facilities in or near traditional transatlantic traffic routes. The location of oil and gas exploration and development facilities in areas of heavy vessel traffic can be regulated by the establishment of shipping safety fairways. In accordance with 33 U.S.C. 1223(c), the Coast Guard will "to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved." If the Coast Guard determines that a new routing measure designation is needed, a notice of proposed rulemaking will be published.

It is anticipated that the study will be concluded by January 31, 1985.

Dated: February 3, 1984.

H. H. Kothe,

Captain, Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 84-3521 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

[BS-Ap-No. 2216]

Seaboard System Railroad; Public Hearing

The Seaboard System Railroad has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance of the traffic control and automatic block signal systems currently installed on its line between Lebanon Junction, Kentucky, and Sinks, Kentucky, a

distance of approximately 107 miles. This proceeding is identified as FRA Block Signal Application No. 2216.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10:00 a.m. on March 27, 1984, in Room 1052A of the Federal Office Building, 600 Federal Place, Louisville, Kentucky.

The hearing will be an informal one, and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing will be announced at the hearing.

Issued in Washington, D.C., on February 2, 1984.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84-3604 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP84-1; Notice 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corp. of Warren, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Motor Vehicles Other*

Than Passenger Cars. The Basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3(b) of Standard No. 120 requires that rim size designation be provided in a form permanently attached to the vehicle. General Motors has determined that certification labels on approximately 136 1983 Chevrolet and GMC C Series trucks contain incorrect rim size designations. Specifically, the rim size is given as 15x2, rather than the correct 15x6. Tire size and inflation pressure are correct. GM argues that the noncompliance is inconsequential because there is no rim size 15x2 available, and even if such a wheel could be obtained tires designed to be mounted on a 6-inch wide rim could not be mounted on a 2-inch wide rim. In the event wheel replacement is required, the correct designation is stamped on each truck wheel in accordance with other provisions of Standard No. 120.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comment received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the *Federal Register* pursuant to the authority indicated below.

The engineer and lawyer primarily responsible for this notice are A. Y.

Casanova and Taylor Vinson, respectively.

Comment closing date: March 12, 1984.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 3, 1983.

Barry Felrice,

Acting Associate Administrator for Rulemaking.

[FR Doc. 84-3575 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes March 8, 1984.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

| Application No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|-----------------|---|------------------------|---|
| 9208-N | U.S. Department of Defense, Washington, DC... | 49 CFR 173.53..... | To classify triaminotrinitrobenzene (TATB) and munitions containing TATB, as other than an explosive. (modes 1, 2.) |
| 9209-N | Allied Chemical, Morristown, NJ..... | 49 CFR 173.266(c)..... | To authorize shipment of 8 percent hydrogen peroxide solution not to exceed 37 percent, in a DOT specification 12P fiberboard box with one insider DOT specification 2U polyethylene container of not over 5 gallons or two 2½ gallons capacity. (Modes 1, 2, 3.) |

NEW EXEMPTIONS—Continued

| Application No. | Applicant | Regulation(s) affected | Nature of exemption thereof |
|-----------------|---|--|---|
| 9210-N | Lobb Associates Paper & Packaging, Libertyville, IL | 49 CFR 172.504, 173.345(a), 173.364(a) | To manufacture, mark and sell a packaging for shipment of certain small quantities of Class B poisonous liquids and solids, excepted from labeling and placarding requirements. (Mode 1.) |
| 9211-N | Braintree Maritime Transportation Corp., Quincy, MA | 49 CFR 146.29.35(f) | To authorize the operation of electrically-powered lighting, air conditioning, alarm and fire detection systems in cargo holds of ships containing military explosives, class A, B and C. (Mode 3.) |
| 9212-N | Gibson Cryogenics, Inc., Ogden, UT | 49 CFR 173.315, 178.245 | To manufacture, mark and sell non-DOT specification 304 stainless steel portable tanks similar to DOT specification 51 except for post weld heat treatment for shipment of carbon dioxide, classed as nonflammable gas. (Modes 1, 3.) |
| 9213-N | Bulk-Pack, Inc., West Monroe, LA | 49 CFR 173.182, 173.217, 173.245 | To manufacture, mark and sell non-DOT specification polypropylene bags with a polyethylene liner of approximately 2,000 pound capacity for shipment of corrosive or oxidizer solids. (Modes 1, 2, 3.) |
| 9214-N | Government Services Institute (GSI) Inc., Spring Hill, FL | 49 CFR 177.841(e) | To authorize shipment of various poisonous materials in the same motor vehicle with food stuffs when contained in closed unit load devices used before or after transportation by air. (Mode 1.) |
| 9215-N | Container Corporation of America, Baltimore, MD | 49 CFR 172.420, 175.3 | To authorize use of approximately 15,000 DOT Specification 12B boxes which were inadvertently printed with the flammable solid label displayed in two separate lines rather than together on one line. (Modes 1, 2, 3, 4, 5.) |
| 9216-N | Freeman Industries, Inc., Tuckahoe, NY | 49 CFR 173.270(a)(2) | To authorize shipment of phosphorous tribromide, classed as a corrosive material, in non-DOT specification, 14 gallon capacity nickel drums comparable to DOT specification 5K drums. (Mode 1.) |
| 9217-N | United Air Lines, Inc., Chicago, IL | 49 CFR 173.21, 175.30 | To transport an ignited flame protected safety lamp fueled with naphtha in the cabin of a passenger carrying aircraft under controlled conditions. (Mode 5.) |
| 9220-N | Custom Packaging Systems, Inc., Manistee, MI | 49 CFR 173.245, 173.365 | To manufacture, mark and sell non-DOT specification polypropylene bags, with liner, of approximately 3,000 pounds capacity for shipment of certain corrosive or poisonous solids. (Modes 1, 2, 3, 4.) |
| 9221-N | Applied Environments Corporation, Woodland Hills CA | 49 CFR 173.302(a)(4), 175.3, 178.44 | To manufacture, mark and sell non-DOT specification welded steel cylinders comparable to DOT specification 3HT for shipment of various non-flammable gases. (Modes 1, 2, 4.) |

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 2, 1984.

Joseph T. Horning,

Chief, Exemptions and Approvals Division,
Office of Hazardous Materials Regulation,
Materials Transportation Bureau.

[FR Doc. 84-3576 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions of Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to

expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes February 28, 1984.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

| Application No. | Applicant | Renewal of exemption |
|-----------------|--|----------------------|
| 2587-X | Dension, Inc., Fredonia, KA | 2587 |
| 2787-X | U.S. Department of Defense, Washington, DC | 2787 |
| 3121-X | U.S. Department of Defense, Washington, DC | 3121 |
| 3302-X | Airco Industrial Gases, Murray Hill, NJ | 3302 |
| 3992-X | Dow Chemical Co., Plaquemine, LA | 3992 |
| 3992-X | LCP Transportation, Inc., Edison, NJ | 3992 |
| 3996-X | Stauffer Chemical Company, Westport, CT | 3996 |
| 4453-X | Wampum Hardware Company, New Galilee, PA | 4453 |
| 4453-X | Kentucky Powder Company, Lexington, KY | 4453 |
| 4719-X | Allied Corporation, Morristown, NJ | 4719 |
| 4850-X | Halliburton Services, Inc., Duncan, OK | 4850 |
| 5372-X | Airco Industrial Gases, Murray Hill, NJ | 5372 |
| 5748-X | E. I. du Pont de Nemours & Company, Inc., Wilmington, DE | 5748 |
| 5861-X | HTL Industries, Inc., Duarte, CA | 5861 |
| 5951-X | Dixie Chemical Company, Houston, TX | 5951 |
| 5967-X | Rocket Research Corp., Redmond, WA | 5967 |
| 6016-X | Harvey Company, Greensburg, PA | 6016 |
| 6084-X | Sodyeco, Inc., Charlotte, NC | 6084 |
| 6113-X | New Jersey Natural Gas Company, Wall, NJ | 6113 |
| 6197-X | do | 6197 |
| 6325-X | Atlas Powder Company, Dallas, TX | 6325 |
| 6464-X | New Jersey Natural Gas Company, Wall, NJ | 6464 |
| 6501-X | GOEX, Inc., Cleburne, TX | 6501 |
| 6530-X | Tri-State Supply Company, Bismarck, ND | 6530 |
| 6530-X | Liquid Air Corporation, San Francisco, CA | 6530 |
| 6530-X | Airco Industrial Gases, Murray Hill, NJ | 6530 |
| 6538-X | Pan Products Inc., Macedonia, OH | 6538 |
| 6563-X | Safety Medical Corp., Sharon Hill, PA | 6563 |
| 6563-X | S.L.O. Health Products, Inc., Baywood Park, CA | 6563 |

| Application No. | Applicant | Renewal of exemption | Application No. | Applicant | Renewal of exemption | Application No. | Applicant | Parties to exemption |
|-----------------|---|----------------------|-----------------|---|----------------------|-----------------|---|----------------------|
| 6602-X | Ethyl Corporation, Baton Rouge, LA. | 6602 | 8008-X | Wheaton Aerosols Co., Mays Landing, NJ. | 8008 | 8129-P | Drug & Laboratory Disposal, Inc., Plainwell, MI. | 8129 |
| 6602-X | Dow Chemical Co., Midland, MI. | 6602 | 8141-X | The Boeing Co., Seattle, WA * | 8141 | 8129-P | Cornell University, Ithaca, NY | 8129 |
| 6602-X | Great Lakes Chemical Corp., El Dorado, AR. | 6602 | 8153-X | Browning-Ferris Industries Chemical Services Inc., Houston, TX. | 8153 | 8129-P | The University of Wyoming, Laramie, WY. | 8129 |
| 6614-X | Hill Brothers Chemical Company, Tucson, AZ. | 6614 | 8156-X | Union Carbide Corporation, Danbury, CT. | 8156 | 8129-P | Environmental Response Inc., Hendersonville, TN. | 8129 |
| 6637-X | Russell-Stanley Southwest Inc., Woodbridge, NJ. | 6637 | 8156-X | Scientific Gas Products, Inc., South Plainfield, NJ. | 8156 | 8129-P | E. I. DuPont De Nemours, Wilmington, DE. | 8129 |
| 6637-X | Advanced Chemical Technology, City of Industry, CA. | 6637 | 8162-X | Structural Composites Industries, Inc., Pomona, CA. | 8162 | 8445-P | do | 8445 |
| 6743-X | Atlas Powder Company, Dallas, TX. | 6743 | 8180-X | Dow Corning Corporation, Midland, MI. | 8180 | 8445-P | Rollins Environmental Services, Inc., Bridgeport, NJ. | 8445 |
| 6746-X | The Firestone Tire and Rubber Company, Akron, OH. | 6746 | 8288-X | Alaska Explosives Limited, Anchorage, AK. | 8288 | 8480-P | Sears, Roebuck and Co., Chicago, IL. | 8480 |
| 6787-X | Russell-Stanley Southwest Inc., Woodbridge, NJ. | 6787 | 8289-X | Olin Corp., East Alton, IL. | 8289 | 8489-P | CIBA-GEIGY Corporation, Greensboro, NC. | 8489 |
| 6787-X | Advanced Chemical Technology, City of Industry, CA. | 6787 | 8299-X | HTL Industries Inc., Duarte, CA. | 8299 | 8554-P | Mining Services International, Salt Lake City, UT. | 8554 |
| 6919-X | Northern Petrochemical Company, Morris, IL. | 6919 | 8303-X | Sodyeco, Inc., Charlotte, NC. | 8303 | 8582-P | Chicago and Northwestern Transportation Co., Chicago, IL. | 8582 |
| 6921-X | Airco Industrial Gases, Murray Hill, NJ. | 6921 | 8308-X | Sky Cab, Inc., East Brunswick, NJ. | 8308 | 8988-P | Pengo Industries, Inc., Fort Worth, TX. | 8988 |
| 6984-X | Austin Powder Company, Cleveland, OH. | 6984 | 8308-X | Medical Emergency Transportation Corporation, Fairfield, NJ. | 8308 | 8988-P | GOEX, Inc., Cleburne, TX. | 8988 |
| 6984-X | Atlas Powder Company, Dallas, TX. | 6984 | 8352-X | Degussa Corporation, Teterboro, NJ. | 8352 | | | |
| 7011-X | Advanced Chemical Technology, City of Industry, CA. | 7011 | 8362-X | Altus Corporation, San Jose, CA. | 8362 | | | |
| 7052-X | Duracell International, Inc., Tarrytown, NY. | 7052 | 8393-X | Union Carbide Corporation, Danbury, CT * | 8393 | | | |
| 7052-X | EG&G Environmental Equipment Div., Herndon, VA. | 7052 | 8394-X | Whirlpool Corporation, La Porte, IN. | 8394 | | | |
| 7052-X | U.S. Department of Energy, Washington, DC. | 7052 | 8427-X | U.S. Department of Defense, Washington, DC. | 8427 | | | |
| 7052-X | U.S. Department of Defense, Washington, DC. | 7052 | 8453-X | Atlas Powder Company, Dallas, TX. | 8453 | | | |
| 7052-X | Altus Corporation, San Jose, CA. | 7052 | 8556-X | L'Air Liquide Corporation, Paris, FR. | 8556 | | | |
| 7073-X | Ethyl Corporation, Baton Rouge, LA. | 7073 | 8627-X | Chemlink Petroleum, Inc., Sand Springs, OK. | 8627 | | | |
| 7227-X | Richmond Lox Equipment Company, Livermore, CA. | 7227 | 8718-X | Structural Composites Industries, Inc., Pomona, CA. | 8718 | | | |
| 7409-X | Puerto Rico Maritime Shipping Authority, San Juan, Puerto Rico. | 7409 | 8751-X | Delta Tech Services, Inc., Martinez, CA. | 8751 | | | |
| 7438-X | Ethyl Corporation, Baton Rouge, LA. | 7438 | 8761-X | The Heil Company, Milwaukee, WI. | 8761 | | | |
| 7477-X | Syston Donner Corporation, Concord, CA. | 7477 | 8763-X | Liquid Air Corporation, San Francisco, CA. | 8763 | | | |
| 7548-X | U.S. Department of Defense, Washington, DC. | 7548 | 8779-X | Acme Resin Corporation, Forest Park, IL. | 8779 | | | |
| 7558-X | Union Carbide Corporation, Danbury, CT * | 7558 | | | | | | |
| 7595-X | American Cyanamid Co., Wayne, NJ. | 7595 | | | | | | |
| 7616-X | The Atchison, Topeka and Santa Fe Railway Company, Chicago, IL. | 7616 | | | | | | |
| 7638 | Kelsey Welding Supply, Kenosha, WI. | 7638 | | | | | | |
| 7638-X | Minnesota Valley Engineering, Inc., New Prague, MN * | 7638 | | | | | | |
| 7651-X | Austin Powder Company, Cleveland, OH. | 7651 | | | | | | |
| 7654-X | J. T. Baker Chemical Co., Phillipsburg, NJ. | 7654 | | | | | | |
| 7654-X | Texas Eastman Company, Longview, TX. | 7654 | | | | | | |
| 7657-X | Welker Engineering Company, Sugar Land, TX. | 7657 | | | | | | |
| 7674-X | U.S. Department of Defense, Washington, DC. | 7674 | | | | | | |
| 7737-X | Parker Hannifin Corporation, Eastlake, OH. | 7737 | | | | | | |
| 7753-X | Monsanto Company, Saint Louis, MO. | 7753 | | | | | | |
| 7770-X | Fauvet-Giral Paris, France | 7770 | | | | | | |
| 7770-X | Eurotainer, Paris, France | 7770 | | | | | | |
| 7803-X | Plastican, Inc., Leominster, MA. | 7803 | | | | | | |
| 7834-X | Magnaflux Corporation, Chicago, IL. | 7834 | | | | | | |
| 7887-X | Crown Rocket Technology, Mountlake Terrace, WA. | 7887 | | | | | | |
| 7898-X | U.S. Department of Defense, Washington, DC. | 7898 | | | | | | |
| 7915-X | Olin Corporation, East Alton, IL. | 7915 | | | | | | |
| 7915-X | U.S. Department of Defense, Washington, DC * | 7915 | | | | | | |
| 7928-X | Alaska Marine Highway System, State of Alaska, Juneau, AK. | 7928 | | | | | | |
| 7945-X | HTL Industries, Inc., Duarte, CA. | 7945 | | | | | | |
| 7972-X | E. I. du Pont de Nemours & Company, Inc., Wilmington, DE. | 7972 | | | | | | |
| | | | Application No. | Applicant | Parties to exemption | | | |
| | | | 2582-P | GENUS, SAN Marcos, CA | 2582 | | | |
| | | | 5600-P | do | 5600 | | | |
| | | | 6296-P | Uniroyal Chemical, Bethany, CT | 6296 | | | |
| | | | 6626-P | Bishop's Welding Supply, Tampa, FL. | 6626 | | | |
| | | | 6762-P | Dearborn Aqua-Serv of Lansing, Lansing, MI. | 6762 | | | |
| | | | 7052-P | Ocean Technology, Inc., Burbank, CA. | 7052 | | | |
| | | | 7835-P | Scott Specialty Gases, Plumsteadville, PA. | 7835 | | | |
| | | | 8009-P | Natural Gas Transmission, Inc., Guthrie, OK. | 8009 | | | |
| | | | 8129-P | Stauffer Chemical Company, Westport, CT. | 8129 | | | |
| | | | 8129-P | Synergen, Inc., Boulder, CO | 8129 | | | |
| | | | 8129-P | Chemical Waste Disposal Corp., Astoria, NY. | 8129 | | | |
| | | | 8129-P | Chemical Pollution Control, Inc., Bay Shore, NY. | 8129 | | | |
| | | | 8129-P | Burroughs Welcome Company, Greenville, NC. | 8129 | | | |

This notice of receipts of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 2, 1984.

Joseph T. Horning,
Chief, Exemptions and Approvals Division,
Office of Hazardous Materials Operation,
Materials Transportation Bureau.

[FR Doc. 84-3577 Filed 2-8-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

[Treasury Department Order No. 155-2]

Designation as United States Mint

By virtue of the authority vested in me as Secretary of the Treasury, it is hereby ordered that:

1. The Bureau of the Mint shall hereafter be known as the United States Mint.

2. All regulations, rules, orders, decisions, forms, and other Mint and Treasury Documents are amended to conform to this order, but existing supplies of these materials shall be continued to be used without change until they are exhausted.

3. No action taken pursuant to this designation shall be invalid by reason of the fact that any statute or regulation provides or indicates that the action should have been taken under a different name.

Dated: January 9, 1984.

Donald Regan,
Secretary of the Treasury.

[FR Doc. 84-3597 Filed 2-8-84; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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| Federal Home Loan Bank Board..... | 6, 7 |
| Federal Maritime Commission..... | 8 |

1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 10 a.m., February 9, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. *Unified Agenda of Federal Regulations.* (OGC)
3. Docket 41403, *Mid Pacific Airlines, Inc. Enforcement Proceeding.* Petition of Mid Pacific for discretionary review. (Memo 2204, OGC)
4. Docket 41686, EDR-466 Advance Notice of Proposed Rulemaking on Computer Reservations Systems. Request for Instructions. (OGC, BDA)
5. Docket 41749, Application of AERO EXCHANGE, INC. d/b/a PAN AERO INTERNATIONAL for approval of a trust under section 408 or exemption under section 416. (Memo 2206, BDA, OGC)
6. Docket 41748, Application of Florida West Airlines, Inc. under Subpart Q for a certificate authorizing scheduled interstate and overseas air transportation of persons, property and mail. (Memo 2201, BDA)
7. Docket 41805, Application of Tower Air, Inc. for a certificate of public convenience and necessity to engage in scheduled interstate and overseas air transportation. (Memo 2203, BDA)
8. Commuter carrier fitness determination of San Juan Airlines, Inc. (BDA)
9. Docket 40549, Petition of Atlantic Southeast Airlines, Inc. for compensation for losses incurred in providing essential air service at Athens, Georgia. (Memo 2202, BDA, OEA, BCCA, OCCCA, OC)
10. Docket 40475, Second-year subsidy rate for Atlantic Southeast Airlines, Inc., to serve Gadsden, Alabama. (Memo 1183-C, BDA, OEA, OC, OCCCA)

11. Docket 38623, IATA agreement proposing Noumea/Papeete-Los Angeles-San Francisco fare increases. (Memo 2207, BIA)

12. Dockets 41798, 41863, Applications for America West, Inc. and Western Air Lines for certificates of public convenience and necessity (Las Vegas-Edmonton/Calgary). (BIA, OGC, BALJ)

13. Dockets 41853, 41913, Applications of American Airlines, Inc., and Continental Air Lines, Inc., for certificates of public convenience and necessity (Houston/Dallas/Ft. Worth-Calgary/Edmonton-Anchorage/Fairbanks). (BIA)

14. Docket 41846 and 41911, *United States-Dublin Route Proceeding:* Applications of Northwest and Transamerica for United States-Dublin certificate authority. (BIA, OGC, BALJ)

15. Undocketed—Aeronaves del Peru petition for Board review of BIA staff denial of Fifth Freedom statement of authorization charter request. (Memo 2205, BIA, OGC)

16. Report on Peru Negotiations. (BIA)

17. Report on Switzerland Negotiations. (BIA)

18. Discussion on Canada. (BIA)

19. Discussion of the United Kingdom. (BIA)

STATUS: 1-14 Open; 15-19 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 84-3615 Filed 2-7-84; 10:17 am]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, February 14, 1984, 9:30 a.m. (Eastern Time).

PLACE: Commission 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. 83-11-FOIA-217, concerning a request for certain personnel position classification review reports.
4. Freedom of Information Act Appeal No. 83-11-FOIA-223, concerning a request for investigative records.
5. Proposed Certifications for Illinois Department of Human Rights and for Puerto Rico Department of Labor and

Federal Register

Vol. 49, No. 28

Thursday, February 9, 1984

Human Resources, Anti-Discrimination Unit

6. Request for Approval of a Proposal for a Competitive Contract

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Consideration of certain ORA Decision's
3. Consideration of certain Subpoena Determinations

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 recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Dated: February 7, 1984.

This Notice Issued February 7, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84-3706 Filed 2-7-84; 3:51 pm]

BILLING CODE 6750-06-M

3

FEDERAL COMMUNICATIONS COMMISSION

February 3, 1984.

Deletion of Agenda Items From February 3rd Open Meeting

The following items have been deleted from the list of agenda items scheduled for consideration at the February 3, 1984 Open Meeting and previously listed in the Commission's Notice of January 27, 1984.

Agenda, Item No. and Subject

General—1—Title: Requirements for Licensed Operators in Various Radio Services; Docket 83-322; RM-3292, RM-2643. Summary: The Commission will consider comments filed in Docket 83-322 and adoption of a Report and Order concerning the requirements for licensed operators in the Experimental Broadcast, International Broadcast, and Auxiliary Broadcast Service; the Private Land Mobile, Fixed, and Personal Radio Services; and the Domestic Public Fixed and Cable Television Relay Services; as well as certain changes in commercial radio operator licensing procedures and policies. Policy—4—Title: Petition to require Station WOR-TV, Secaucus, New Jersey, to install translators in Southern New Jersey. Summary: The Commission will consider a

petition by U.S. Representative Matthew J. Rinaldo of New Jersey, requesting that RKO General, licensee of Station WOR-TV, Secaucus, New Jersey, be required to construct and operate translators in Southern New Jersey.

Issued: February 3, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-3670 Filed 2-7-84; 12:28 pm]

BILLING CODE 6712-01-M

4

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, February 6, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded 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:

Memorandum and resolution re: Final amendments to the Corporation's rules and regulations which would implement section 905(a) of the International Lending Supervision Act of 1983 by requiring banking institutions to establish special reserves against the risks presented in certain international assets.

Memorandum and resolution re: Proposed amendments to the Corporation's rules and regulations which would implement section 906 of the International Lending Supervision Act of 1983 by prescribing the accounting treatment for fees charged by banking institutions in connection with international loans.

Memorandum and resolution re: (1) Proposed amendments to Part 338 of the Corporation's rules and regulations, entitled "Fair Housing," which would eliminate the requirement that insured State nonmember banks collect and record in a log-sheet certain data concerning home loan inquiries while retaining the requirement that information on all home loan applications be recorded and retained for 25 months; and (2) a request for public comment on a possible reduction in the number of banks required to maintain log-sheets.

By the same majority vote, the Board further determined that no notice earlier than January 31, 1984 of these changes in the subject matter of the meeting was practicable.

Dated: February 6, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-3655 Filed 2-7-84; 12:28 pm]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION

DATE AND TIME: 10 a.m., Tuesday,

February 14, 1984.

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. Internal Procedures of the Reports and Analysis Division.

* * * * *

DATE AND TIME: 10 a.m., Thursday, February 16, 1984.

PLACE: 1325 K Street NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE DISCUSSED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility report for candidates to receive Presidential primary matching funds
Check tendered by citizens for Larouche and Lyndon H. Larouche, Jr.
Draft Advisory Opinion #1983-48
Robert S. Lemle, Associate GC,
Cablevision Systems Corporation
Finance Committee Report
First quarter management report for FY 1984
Proposed directive: Circulation Vote Procedures
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer,
Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 84-3696 Filed 2-7-84; 2:38 pm]

BILLING CODE 6715-01-M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 49, Page No.—None at this time. Date Published—None at this time.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravelee, (202-377-6970).

CHANGES IN THE MEETING: The following item has been re-named as follows. This item is scheduled for the Bank Board meeting of Tuesday, February 14, 1984 at 2:30 p.m.

Old Name—Insurance Company and Joint Accounts

New Name—Insurance Coverage of Accounts Held by Investment Companies, Insurance of Joint Accounts

And the following items have been withdrawn from the same meeting:

Deposit Growth Plan
Intrim Net Worth Standard for Brokered Funds

J. J. Finn,

Secretary.

No. 72, February 7, 1984.

[FR Doc. 84-3697 Filed 2-7-84; 2:54 pm]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 49, Page No.—None at this time. Date published—None at this time.

PLACE: Board Room, 6th floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravelee, (202-377-6970).

CHANGES IN THE MEETING: The following items has been re-named as follows:

Old Name—Five Year Averaging
New Name—Minimum Net-Worth Requirements of Insured Institutions

And the following item has been added to the open portion of the Bank Board meeting:

Conversion from Mutual to Stock Form

Both items are scheduled for the Bank Board meeting of Tuesday, February 14, 1984, at 2:30 p.m.

J. J. Finn,

Secretary.

No. 73, February 7, 1984.

[FR Doc. 84-3728 Filed 2-7-84; 3:48 pm]

BILLING CODE 6720-01-M

8

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 6, 1984, 49 F.R. 4449.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., February 8, 1984.

CHANGE IN THE MEETING:

The Commission meeting to be held on February 8, 1984 at 9:00 a.m. been changed to 10 a.m. on February 8, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-3560 Filed 2-6-84; 4:17 pm]

BILLING CODE 6730-01-M

federal register

Thursday
February 9, 1984

Part II

Small Business Administration

13 CFR Part 121
Small Business Size Standards; Revision;
Final Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards;
Revision

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is amending its size standards regulations. These changes deal with the effects of inflation, address longstanding problems of defining small business in certain industries, provide one set of standards for both the procurement and financial assistance programs, and improve the readability of the regulations. This action is intended to update the size standards and clarify the regulations. In certain instances, however, existent regulations have been left in place.

DATE: These regulations are effective March 12, 1984.

ADDRESS: Submit written comments to: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Andrew A. Canellas, (202) 653-6373.

SUPPLEMENTARY INFORMATION:

Chronology

This is the sixth notice to appear in the Federal Register since March 10, 1980, describing SBA's efforts to revise its size standards across the board.

Previous notices were:

(1) Advance Notice, March 10, 1980, 45 FR 15442; (2) Notice of Public Hearings, April 8, 1980, 45 FR 23704; (3) Public Notice, September 10, 1980, 45 FR 59587; (4) Second Advance Notice, May 3, 1982, 47 FR 18992; (5) Proposed Rule, May 6, 1983, 48 FR 20560.

Summary of Notices

SBA's first advance notice of proposed rulemaking attempted to set size standards based primarily on the industrial structure of each industry. Industries were categorized as either competitive, mixed, or concentrated, based on quantifiable features such as average firm size and concentration ratios. Relatively low standards were proposed for the competitive industries, reflecting SBA's desire to assist firms at the entry level in these industries. Higher size standards were proposed for the mixed industries and the highest standards were generally proposed for the concentrated industries, reflecting SBA's desire to assist firms in competition with dominant firms in their industries. Size standards in the notice

were generally stated in terms of "employees" and ranged from 15 to 2,500 employees, depending on the industry in question.

In response to this notice, SBA received over 1,500 written comments from both affected private firms and Government agencies. These comments were generally critical of SBA's approach, most commentors favoring the existing size standards rather than the proposed revisions. Almost 75 percent of the total comments to the notice were adverse.

The Agency believed that the strong adverse response by commentors to the proposed changes justified a reevaluation of its approach. SBA felt that, ideally, the process of establishing size standards should not only have a technical base (industry structure) but should also consider the comments from the Federal procuring agencies and the private sector. Another consideration was overall administration policy which, because of perceived budgetary constraints, desired to focus more assistance toward smaller firms. Therefore, the second advance notice of May 3, 1982, differed from its predecessor in three important ways.

First, SBA chose to limit the maximum proposed size standard to 500 employees rather than the 2,500-employee level proposed in the first notice. This would have removed medium-size firms in manufacturing from eligibility. Second, SBA raised its lowest proposed size standards from 15 employees to 25 employees, thus responding to commentors who said that a 15-employee size standard was too low regardless of industry. Third, the SBA was responsive to sentiments within a number of procurement-sensitive industries that the proposed standards in the first advance notice had set standards too low for firms to satisfy the average Federal procurement.

The responses to this notice declined from 1,500 comments on the first notice to 500 comments on the second. However, a clear majority (72 percent) of the comments to this proposal continued to be negative, with many commentors voicing concern over the disruption they said would result from lowering size standards.

The proposed rule of May 6, 1983, placed greater weight on the comments of the private sector and Federal procuring agencies. The SBA interpreted the generally adverse response to the two advance notices as sufficient cause for a policy to retain most of the present size standards. This policy decision had the support of an SBA task force on size composed of the Agency's top program managers. The key features of this

revision were: (1) The existing procurement size standards would be used as a base for uniform Agency size standards; (2) those size standards which are currently expressed in terms of "annual receipts" would be increased for inflation; (3) the size standards which are expressed in "number of employees" would generally remain the same; (4) a number of industries would be treated differently as a result of private industry and Federal agency comments.

The response to this proposal included over 600 separately written opinions. For the first time since the first advance notice was initially published in March 1980 (see following table), a majority of respondents favored the proposed revisions. Excluding the three most sensitive industries (engineering services, dredging, and oil wholesalers), almost 70 percent of the respondents favored the proposal.

In addition to being responsive to written comments from the public and affected Federal agencies in preparing this final rule, the SBA has considered the various viewpoints which were expressed at the Congressional hearings before the House Committee on Small Business, held on October 20 and 26, 1983.

Explanation of Final Rule

Since only a few differences exist between the May 1983 proposed rule and this final rule, the reasoning offered as a justification for the proposed rule at that time remains essentially the same (see 48 FR 20560-61) with respect to the final rule. SBA, again, is relying on four considerations in revising the size standards.

- Public comments.
- Federal procuring agency comments.
- SBA administrative policy.
- Structure of industries.

TABLE 1.—PUBLIC RESPONSE COMPARISON
FIRST AND SECOND ADVANCE NOTICES AND
NOTICE OF PROPOSAL TO REVISE SBA'S
SIZE STANDARDS

| | 1st ad- vance notice March 10, 1980 | 2d ad- vance notice May 3, 1982 | No- tice of pro- posal May 6, 1983 |
|---|---|---|---|
| Total letter responses..... | 1,124 | 526 | 610 |
| Position of respondents: | | | |
| For the proposal..... | 201 | 87 | 299 |
| Against some part of the pro- posal..... | 836 | 378 | 281 |
| Vague or indefinite in position..... | 87 | 61 | 30 |
| Percent of respondents: | | | |
| For the proposal..... | 17.9 | 16.5 | 49.0 |
| Against some part of the pro- posal..... | 74.4 | 71.9 | 46.1 |
| Vague or indefinite in position..... | 7.7 | 11.6 | 4.9 |

TABLE 1.—PUBLIC RESPONSE COMPARISON
FIRST AND SECOND ADVANCE NOTICES AND
NOTICE OF PROPOSAL TO REVISE SBA'S
SIZE STANDARDS—Continued

| | 1st ad- vance notice March 10, 1980 | 2d ad- vance no- tice May 3, 1982 | No- tice of pro- posal May 6, 1983 |
|---|---|--|---|
| Specific industries with comment..... | 218 | 144 | 104 |
| Industries with 5 or more adverse comments..... | 23 | 9 | 5 |
| Position of respondents excluding comments on dredging, engineer- ing architecture, and surveying services; and oil wholesalers (3 sensitive industries): | | | |
| For the proposal..... | 181 | 70 | 275 |
| Against some part of the proposal..... | 740 | 265 | 121 |
| Vague or indefinite in posi- tion..... | 82 | 53 | 24 |
| Percent with position in favor of proposal..... | 19.7 | 20.9 | 69.4 |

As explained above, the May 1983 proposed rule was the first notice to revise the size standards which elicited a majority of public and procuring agency support. Table 1 indicates this. Because this proposal was less disruptive compared to the initial notice in 1980, SBA believes it was more acceptable. Thus, this final rule represents a fine-tuning of existing size standards rather than a comprehensive overhaul as advocated in the first two advance notices.

While recognizing that certain problems may still exist with some of the size standards, SBA decided to finalize the proposal for two reasons. First, the impact of inflation, 81 percent from 1975 through the third quarter of 1982, has significantly reduced the real value of dollar-denominated size standards for hundreds of industries. This adjustment is intended to return to the status quo of 1975 when the last inflationary adjustment was made. Second, the three different proposals to revise the size standards published since 1980 have created uncertainty and anxiety among the public and Federal agencies. A final rule will help clear the air. SBA, however, intends to keep the door open on requests for justifiable changes in its size standards once the final rule takes effect.

Implications of Final Rule

Common Size Standard for Programs

One factor that has remained consistent over time in these proposals is a single size standard, by industry, for all SBA programs. At present, financial and procurement programs often have different size standards for the same industry. This has resulted in confusion by both the public and by Federal

employees responsible for administering the Government's many programs. With more than one standard for the same industry, firms often are eligible for one program while being ineligible for another. Thus, it is not surprising that public comments have consistently supported a single size standard for the major SBA programs, and this approach is implemented in the final rule.

Size Standards Based on SIC Codes

At present, size standards are defined by major industry divisions in terms of both SIC codes and product and service activities. At times, this has led to confusion in choosing whether to use a major division size standard, a size standard associated with an SIC code, or a size standard for an activity or product line. One major revision which SBA has incorporated into the final rule is a structured approach to this problem in which size standards are associated with 4-digit SIC codes rather than product lines, activities, or industry divisions. In general, this approach has received a favorable reception and it is retained in this final rule.

Explicitly Stated Size Standards

SBA's size standards have always been explicitly stated for only a partial list of SIC codes and/or product lines. The remaining industries have always been covered by clauses which stated that if no standard has been set forth, they will receive a 500-employee size standard in the procurement program or must request an ad hoc size standard in the loan program. SBA's new set of rules will correct this problem by explicitly stating a size standard for virtually every 4-digit SIC code industry. This approach has received a favorable response and SBA is retaining it in the final rule. In those few industries for which size standards do not exist, SBA would continue to provide ad hoc size standards when necessary.

Administration of Size Standards

There have always been problems associated with the administration of size standards. By using common, explicitly stated size standards for each SIC code for SBA's major programs, the Agency feels that it can significantly reduce the confusion associated with administering size standards. In addition, after publication of this final rule, SBA will rewrite some of its regulations dealing with size standards to make them more understandable. These will be proposed in 1984.

Intent To Revise 13 CFR Part 121

Subsequent to this publication of the final rule, SBA plans to revise the

regulatory language in Part 121 of Title 13 of the Code of Federal Regulations. Certain size standards' regulations will be rewritten to conform with the use, generally, of uniform Agency standards and with other major amendments such as the use of the 4-digit Standard Industrial Classification Code (SIC) for all SBA programs. In addition, changes in the size standards' regulations are required for purposes of clarity and brevity.

Prior to the revision of the language in 13 CFR Part 121, SBA plans to utilize the expertise of the recently established Size Policy Board. The Board members are comprised of the Associate Administrator for Procurement and Technical Assistance (Chairman); the Associate Administrator for Finance and Investment; the Associate Administrator for Minority Small Business/Capital Ownership Development; the Assistant Administrator for Innovation, Research and Technology; and the Director, Size Standards Staff. The Board will consider and make recommendations relating to proposals on size policy, including improvements in SBA regulations, procedures, and directives as reflected in the revised 13 CFR Part 121. The Size Policy Board was established on November 14, 1983, as reflected in the public notice, 48 FR 51882.

Problem/Sensitive Industries

The process of setting size standards is never really complete. There are always parties interested in changing size standards who have new information to bear which might change SBA's viewpoint concerning a particular size standard. Thus, this final notice in no way implies that the present set of size standards will never be reviewed again. In particular, the SBA is committed to investigate further the size standards in at least two areas—dredging and engineering services—in the immediate period after these size standards are published. Other industries, such as wholesale trade and construction, will be reexamined, as warranted.

The size standard in the dredging industry reflects a deep polarization within the industry. Nearly one-quarter of all dredging firms have commented. Of a total of 40 comments opposed to our proposed size standard of \$9.5 million, 28 wanted a lower standard, while 12 wanted the full inflationary increase. SBA, however, found it difficult to raise the size standard in dredging as in other industries when a preponderance of commentors favored a lower standard. Conversely, SBA

hesitated to lower the standard when other industries' size standards were being raised in response to inflation. SBA has now set up a task force in conjunction with the Corps of Engineers and other agencies to investigate this industry further, and to develop data that would be useful in formulating an equitable standard. In the interim, however, we will continue to use the \$9.5 million standard which has been in effect since 1975.

The second industry to which SBA is committed to examine the size standard in the near future is engineering services. In our proposal we divided this industry into four components: nonmilitary engineering services with a proposed size standard of \$3.5 million, militarily related engineering services with a proposed size standard of \$13.5 million, marine engineering and naval architecture with a proposed size standard of \$11.0 million, and architecture and surveying services with a proposed size standard of \$3.5 million. For this final rule, SBA is raising the size standard for nonmilitary engineering services to \$7.5 million, while lowering the marine engineering size standard to \$9.0 million. Thus, these two engineering components will remain the same as the present standards. SBA, however, will continue to examine this industry in the near future.

Differences Between Final Rule and Proposed Rule for Individual Industries

The final rule differs from the rule proposed in the *Federal Register* on May 6, 1983, only in a few industries. Most of these are industries in which the size standard is sensitive for purposes of bidding on Government procurements ("procurement-sensitive industries") and are the ones which elicited the large majority of public comments on the proposed rule.

In some miscellaneous industries, also, size standards in the final rule differ from those in the proposed rule. These changes represent either fine-tuning of the previous proposal or efforts toward increased equity, based on public and Federal agency comments. The changes from the proposed rule and the rationale for the major changes, are as follows:

Wholesale Trade (Major Groups 50 and 51)

Wholesale trade consists of 61 separate industries; at present, all have a 500-employee procurement size standard. Loan size standards are presently expressed in dollar volume of receipts and vary among the wholesale industries, being either \$9.5, \$14.5, or \$22 million.

In the proposed rule of May 6, 1983, SBA proposed that dollar standards of \$15, \$25, or \$35 million be used, depending on characteristics of the specific wholesale industry, but no industry would be lower than its current loan standard. In effect, this would mean a substantially lower standard for procurement purposes in each wholesale industry than the present 500-employee limit.

Forty comments were received to this proposal, of which 35 were opposed. All those opposed wanted higher standards in dollar volume. Some wanted SBA to return to a single employee size standard for procurement. Though standards for 13 individual wholesale industries were commented on, many comments referred only to oil wholesalers. Here the dollar volume for firms with rather few employees is especially high. Comments from a number of Federal agencies indicate that a single employee-based size standard should be continued to simplify purchasing procedures. Therefore, SBA is retaining the current 500-employee procurement size standard. We will continue to study wholesale trade to determine whether future changes should be proposed.

Construction—General and Special Trades (Major Groups 15, 16, and 17)

SBA has become concerned that the proposed size standards of \$21.5 million for general contractors, and \$9.0 million for special trade contractors were too high, considering the highly competitive nature of these industries. (The average size of construction firms is only three employees and \$300,000 in annual sales.)

Rather than apply the full inflationary increase of 81 percent, a lower increase is being used. This yields size standards of \$17 million annual receipts in the general construction industries (Major Groups 15 and 16 except for dredging) and \$7 million for special trades (Major Group 17), compared to the present standards of \$12 million and \$5 million, respectively. The \$17 million limit also may be viewed as a ceiling for dollar-based size standards similar to the 1,500-employee ceiling used in manufacturing.

Engineering, Architectural, and Surveying Services (SIC-8911)

More comments were generated on the proposed size standards for the engineering services component of SIC-8911 than for any other industry. The current procurement size standard is \$7.5 million for engineering services (except for Marine Engineering) which equates to approximately 150 employees. The current loan size

standard is \$3.5 million. In the proposed rule of May 6, 1983, this industry component was split into two separate segments, each with a separate size standard.

Engineering Services for Military and Aerospace Equipment and Military Weapons include highly sophisticated projects for the Department of Defense and NASA. Nearly all the comments supported the full inflationary adjustment which we proposed for this type of engineering service. This final rule establishes the \$13.5 million size standard as proposed.

For Engineering Services, Except for Military and Aerospace Equipment, and Except for Military Weapons, SBA proposed a reduction of the size standard from \$7.5 million to \$3.5 million.

Only nine out of 83 comments to the May 6, 1983, proposal were in favor of a \$3.5 million standard. Among those opposed were 41 large construction-related engineering firms that wanted size standards much lower than \$3.5 million, some as low as \$500,000. In addition, six small firms indicated that a \$3.5 million standard was too high. However, 13 firms wanted to retain the current \$7.5 million size standard, most of which would lose eligibility for set-aside contracts if the standard were lowered. Only four firms wished an inflationary increase. Three construction-related engineering associations all wanted standards much lower than \$3.5 million.

Several Federal agencies would accept a lowering of the standard to \$3.5 million, although the number of their set-asides would be affected. Other agencies indicated that a \$7.5 million standard is required to meet their requirements for certain types of engineering.

This final rule retains the \$7.5 million size standard for engineering services not related to military and aerospace equipment and weapons. If the standard had been reduced to \$3.5 million, as proposed, 300 firms would lose eligibility for set-asides. Firms now eligible seem satisfied with the current size standard despite inflation. The needs of Federal agencies were also considered.

Marine Engineering and Naval Architecture. For both, a rise to \$11 million from the current \$9 million size standard was proposed in May. SBA received 15 comments to the May 6, 1983, proposal of which 14 were opposed. Four firms wanted a full inflation adjustment to \$16 million. Nine of the remaining 10 firms preferred a lower size standard than the current \$9

million, but four of the 10 found the current \$9 million size standard at least acceptable. The Navy would prefer a 200-employee standard (about \$11 million in sales) which would include firms with the capacity to design entire ships, but they pointed out that many smaller firms with capability in specialized areas could bid for contracts smaller than the design of entire ships. Therefore, the Navy could accept retaining the current \$9 million standard. Since the majority of comments favor a standard no higher than the current \$9 million level, at which sufficient contracts would be available, SBA is retaining the present standard for marine engineering and naval architecture.

Architectural and Surveying firms typically have only a handful of employees. A size standard of \$3.5 million, the lowest that is used for the service industries, is therefore established for these two services.

Accounting, Auditing, and Bookkeeping Services (SIC-8931)

While most commentators generally supported the higher size standards for accounting and auditing services (\$5 million) and bookkeeping services (\$3.5 million) proposed in May, many also argued that bookkeeping and accounting services were virtually identical. After investigating the situation in this industry, SBA came to agree with this viewpoint. The setting of the size standard at \$4.0 million for all activities in this industry adjusts to this concern. It is equivalent to about 120 employees.

Gasoline Service Stations (SIC-5541) and *Retail Fuel Oil Dealers* (SIC-5983)

In both these retail industries, there have been exceptionally high price increases since 1975 because of the very large increase in cost of petroleum products. The Consumer Price Index for motor fuel increased 227 percent between 1975-82. Accordingly, the size standard for gasoline service stations is

raised from the current \$2 million to \$4.5 million annual receipts, rather than the \$3.5 million which was proposed in May.

A similar situation affects retail fuel oil dealers (SIC-5983). The retail fuel oil CPI increase of 284 percent since 1975 warrants a higher increase than that for retail trade in general. The size standard for this industry is thus set at \$6 million in annual receipts, up from the \$3.5 million in the proposed rule. (The current standard is 100 employees, an exception to the use of dollar standards is retail trade.)

Personnel Supply Services, N.E.C. (Including Base Maintenance and Facilities Management) (SIC-7369)

This industry consists of two components, both of which are defined in Footnote 13 of the final rule table below. Base maintenance continues to have a size standard of \$13.5 million annual receipts, as proposed.

The second component is facilities management, a variety of office-related support services. Firms in this subindustry are much smaller than those in the maintenance component and, accordingly, the standard for facilities management is established at \$3.5 million annual receipts, representing the general adjustment to the present loan standard of \$2.0 million. This does constitute a change from the May proposal which, inadvertently, would have included facilities management at the \$13.5 million level.

Footnote 13 also defines base housing maintenance. Since it predominantly consists of activities of special trade construction contractors (Major Group 17), it carries the same size standard of \$7.0 million as the other special trades activities. As noted above, this standard is reduced from the \$9.0 million proposed in May.

Miscellaneous Industries

• Ornamental Floriculture and Nursery Products (SIC-0181) is separated out of Agricultural

Production—Crops, because of its much higher valued output per firm. Its standard becomes \$500,000 annual receipts, up from the \$100,000 proposed in May.

• Chicken Eggs (SIC-0252) involves a mass production factory-type operation with a minimum commercially feasible size. Its size standard is moved up to \$1 million annual receipts from \$100,000 in the May proposal in recognition of this.

• Agricultural Services (Major Group 07) is considered to be a group of service industries and should have the basic size standard as for other services of \$3.5 million annual receipts. (50 employees was proposed in May.)

• Forestry (Major Group 08) primarily consists of service-type industries. Set-aside Federal procurements in this group are normally for services. It is established at the basic services size standard of \$3.5 million (25 employees was previously proposed).

• Fishing, Hunting, and Trapping (Major Group 09). Based on information from the Department of Commerce and assessment of the minimum financially viable size for the fishing industry, the size standard for this group is established at \$2.0 million in annual receipts. (Previous proposal was 25 employees.)

• Electric Power Generation, Transmission, or Distribution (SIC-4911) was mistakenly omitted in the May proposed rule. Its size standard, however, remains at 4 million megawatt hours in the firm's preceding fiscal year.

• Pipe Lines, N.E.C. (SIC-4619), consists of pipe lines for commodities other than oil or gas. A size standard of \$17.0 million, the maximum dollar standard, is established. It had no prior size standard; \$20 million was proposed in May.

The following table lists all the industry differences between the proposed rule and the final rule (dollar figures indicate annual receipts):

| SIC or major group | | May 1983 proposed rule | Final rule |
|--------------------|---|------------------------|--------------------------|
| 0181 | Ornamental Floriculture and Nursery Products | | |
| 0252 | Chicken Eggs | \$100,000 | \$500,000 |
| 07 | Agricultural Services | \$100,000 | \$1.0 million |
| 08 | Forestry | 50 employees | \$3.5 million |
| 09 | Fishing, Hunting, and Trapping | 25 employees | \$3.5 million |
| 15, 16 | Construction—General Contractors | 25 employees | \$2.0 million |
| 17 | Construction—Special Trades | \$21.5 million | \$17.0 million |
| | Base Housing Maintenance | \$9.0 million | \$7.0 million |
| 4619 | Pipe Lines, N.E.C. | \$9.0 million | \$7.0 million |
| 4911 | Electric Services (Power generation, transmission and distribution) | \$20.0 million | \$17.0 million |
| 50, 51 | Wholesale Trade | None | 4 million megawatt hours |
| 5541 | Gasoline Service Stations | \$15/\$25/\$35 million | 500 employees |
| 5983 | Retail Fuel Oil Dealers | \$3.5 million | \$4.5 million |
| 7369 | Facilities Management (part of Personnel Supply Services, N.E.C.) | \$3.5 million | \$6.0 million |
| 8911 | Engineering, Architectural and Surveying Services: | \$13.5 million | \$3.5 million |
| | —Engr. Services, except Military and Aerospace Equip. and Weapons | | \$3.5 million |
| | —Marine Engineering and Naval Architecture | \$11.0 million | \$9.0 million |

| SIC or major group | | May 1983 proposed rule | Final rule |
|--------------------|---|--------------------------------|--------------------------------|
| 8931 | Accounting, Auditing, and Bookkeeping Services: —Accounting and Auditing —Bookkeeping | \$5.0 million \$3.5 million | \$4.0 million \$4.0 million |

Other Differences Between Proposed and Final Rules

• For purposes of receiving surety bond assistance, the maximum size for concerns in either construction or services remains at \$3.5 million in annual receipts. A standard of \$5.0 million for both industry groups was stated in the May proposed rule.

• The definition of "annual receipts," presently at § 121.3-2(b), is clarified at this time. In the final rule at § 121.2(c), the new wording defines receipts as revenues, and standardizes them to the accrual accounting method. Other revisions to the size standards regulatory language will be proposed in 1984.

• Footnote 5 of the final rule table, by SIC industry, concerning procurement of Tires and Inner Tubes (SIC-3011), has been corrected.

Economic Impact

A complete economic impact analysis is contained in the May proposed rule (see 48 FR 20564-67). Since the impact of the final rule will differ only slightly from that anticipated in the proposed rule, the complete analysis will not be repeated. The intent here is to discuss only the impact caused by changes in the final rule.

As indicated in Table 2, the final rule will increase the number of firms defined as small compared to the existing as well as the proposed rule. While in wholesale trade the retention

of the 500-employee size standard will have no impact for procurement purposes, for financial assistance 9,000 additional firms compared to the proposed rule and 13,000 additional firms compared to the existing rules will gain small business status.

In construction, there will also be a net increase in the number of firms defined as small, but not so great an increase as would have occurred in the proposed rule. The final rule increases the size standard to \$17.0 million for general contractors and \$7.0 million for special trade contractors. The proposed rule had indicated \$21.5 million and \$9.0 million respectively. This will define 4200 additional firms as small rather than the 6500 firms that would have been added under the proposed rule.

TABLE 2.—ESTIMATED NUMBER OF SMALL FIRMS COMPARED TO INDUSTRY TOTALS UNDER CURRENT, PROPOSED, AND FINAL SIZE STANDARDS—BY INDUSTRY DIVISION *

| SIC | Division | Total firms | Current small | | Proposed small May 6, 1983 | Final rule small |
|--|----------|-------------|---------------|-----------|----------------------------|------------------|
| | | | Loan | Proc. | | |
| Agriculture, Forestry, and Fishing (Except Farms) ¹ | A | 96,342 | 95,703 | 95,876 | 95,709 | 95,859 |
| Mining | B | 23,097 | 22,667 | 22,667 | 22,667 | 22,667 |
| Construction | C | 1,176,135 | 1,166,963 | 1,167,233 | 1,173,413 | 1,171,161 |
| Manufacturing | D | 299,351 | 281,127 | 284,111 | 284,111 | 284,111 |
| Transportation, Communications, and Utilities ¹ | E | 134,775 | 129,086 | 131,365 | 133,024 | 133,024 |
| Wholesale ² | F | 286,925 | 273,117 | 286,614 | 277,551 | 286,614 |
| Retail | G | 1,567,071 | 1,514,687 | N/A | 1,527,867 | 1,528,540 |
| Finance, Insurance, and Real Estate ³ | H | 87,686 | 83,163 | N/A | 86,595 | 86,595 |
| Services | I | 1,763,992 | 1,752,297 | 1,753,709 | 1,756,616 | 1,756,116 |
| Total | | 5,435,374 | 5,318,830 | 3,741,575 | 5,357,553 | 5,364,707 |
| Farms | | 2,477,000 | 2,413,000 | N/A | 2,254,000 | 2,272,000 |

¹ Only those industries in which SBA makes loans are listed. Some industries in the Transportation, Communication, and Utilities division are not eligible for SBA programs. Source: 1980 D&B/USEEM, specially prepared for SBA.

² Merchant wholesalers, wholesale agents, brokers, and commission merchants are included. Sales outlets owned by manufacturers are not included as a wholesale function.

³ Only those industries in which SBA makes or proposes to make loans are listed. These are (1) Fire, Casualty, and Marine Insurance Companies; (2) Insurance Agents and Brokers; and (3) Mobile Home Site Operators. Source: County Business Patterns, 1980.

⁴ County Business Patterns, 1980.

*Based on statistics published in May 6, 1983, proposed rule (48 FR 20566).

In other industries, there will be similar changes, although affecting fewer firms than in wholesale or construction. These are described in Table 3.

Overall, comparing the proposed rule to the final rule, 7,200 additional firms will gain small business status for a total gain from the existing size standards of 46,000. This is not to say, however, that 46,000 additional firms will seek SBA assistance. Forty-six thousand is the theoretical maximum. SBA's experience is that only a small percentage of these, perhaps 5 percent, would desire either procurement or financial assistance (see proposed rule, 48 FR 20564).

As described in the May proposed rule, the impact on SBA financial assistance will be negligible. For procurement set-asides, there will be more larger firms eligible to bid as small businesses compared to the existing size standards. This will give Government procurement officials a greater base from which to solicit set-aside bids, and will also introduce more bidding competition among firms which desire set-aside contracts.

Implementation of Final Rule

The revised size standards will take effect 30 days from the date of publication in the *Federal Register*. After consultation with procuring officials in

other agencies, SBA believes that this time lag will be sufficient to avoid confusion in the administration of the new size standards. For procurement set-aside purposes, the new size standards will apply to invitations for bids and requests for proposal issued on or after the 30-day period. For financial assistance other than disaster assistance, the new size standards apply to loan applications dated 30 days or more after this publication in the *Federal Register*. For disaster financial assistance, the new size standards apply to disasters commencing on or after 30 days from the date of publication in the *Federal Register*.

TABLE 3.—ANALYSIS OF CHANGE IN ESTIMATED NUMBER OF FIRMS DEFINED AS SMALL*

| SIC | Division | Between proposed rule and final rule | Between current regulations and final rule ¹ |
|---|----------|--------------------------------------|---|
| Agriculture, forestry, and fishing (except farms), Mining | A | +150 | +156 |
| Construction | B | 0 | 0 |
| Manufacturing | C | -2,232 | +4,218 |
| Transportation, communications, and utilities | D | 0 | +2,984 |
| Wholesale | E | 0 | +3,938 |
| Retail | F | +9,063 | +13,497 |
| Finance, insurance and real estate | G | +673 | +13,853 |
| Services | H | 0 | +3,412 |
| | I | -500 | +3,819 |
| Total | | +7,154 | +45,877 |
| Farms | A | +18,000 | -141,000 |

*Change based on statistics published in proposed rule.
¹ Using current loan size standard as a base. 500 employees used for mining as current base. If procurement size standards were used as the base, the number of firms changing status would be fewer.

Compliance With Regulatory Flexibility Act and Executive Order 12291

General

SBA considers that this rule, promulgated in final form, will have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act. In addition, it constitutes a major rule for the purpose of E.O. 12291.

We have indicated at 48 FR 20560-67, and in the material above, a description of the reason why this action is being taken, a statement of the reasons for and objectives of this final rule, and a description of the significant alternatives to this rule. The legal basis for this rule is Sections 3 and 5(b) of the Small Business Act, 15 U.S.C. 632 and 634(b).

We have set forth an Economic Analysis of this rule at 48 FR 20564-67 and above which provides, among other things, a description and estimate of the number of small entities to which the rule would apply, an identification of overlapping and conflicting Federal rules, a description of the benefits and costs associated with the rule, and those likely to receive such benefits and costs.

Immediately above we have summarized the public comment in response to the May proposed regulation and the Agency's position on those comments. Changes from the proposal which resulted from the comments have been highlighted above.

Paperwork Reduction Act: The information collection requirements in this proposal are subject to the Paperwork Reduction Act (Pub. L. 96-511; 44 U.S.C. 35). The requirement has been submitted to OMB for review and

comment and is approved under OMB No. 3245 0101.

List of Subjects in 13 CFR Part 121

Small businesses, Standard Industrial Classification Codes.

Part 121 of Title 13 of the Code of Federal Regulations is revised as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

Sec.

- 121.1 Purposes and Method of Establishing Size Standards.
- 121.2 Standard Industrial Classifications and Size Standards.
- 121.3 General Definitions.
- 121.4 Small Business for Financial Programs.
- 121.5 Small Business for Government Procurement.
- 121.6 Small Business Property Sales or Lease of Government Property.
- 121.7 Small Business Innovation Research Program.
- 121.8 Size Determinations.
- 121.9 Protests of Small Business Status.
- 121.10 Size Standards Responsibilities.
- 121.11 Procedure for Size Appeals.
- 121.12 Small Business for Paying Reduced Patent Fees.

Authority: Secs. 3 and 5(b) of the Small Business Act, as amended (15 U.S.C. 632, 634).

§ 121.1 Purpose and method of establishing size standards.

"The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiatives and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government (including but not limited to contracts or subcontracts for maintenance, repair and construction) be placed with small-business enterprises, to insure that a fair proportion of the total sales of Government property be made to such enterprises, and to maintain and strengthen the overall economy of the Nation."

Small Business Act, Section 2(a), (15 U.S.C. 631).

(a) To implement this policy, Congress established the Small Business Administration (SBA) in 1953 and gave it the responsibility to administer a

range of programs designed to achieve these and other social goals. Eligibility for SBA programs requires that a firm be "small." The actual setting of size standards, i.e., the size specification of "small" is delegated to the Administrator of the SBA.

(b) Size standards are established primarily to define eligibility for SBA programs and Federal procurement purposes. It is clear, both from the Act itself and from the legislative history, that the specification of what is a small business has been left to administrative, rather than legislative, determination. Size standards vary by industry with particular attention to the structure of the designated industry, Administration policy and the needs of the various Federal programs to which they apply. In its most basic sense, this is the approach of establishing size standards. Factors, among others, which are examined for the purpose of setting size standards include maximum size of firms, average firm size, the extent of industry dominance by large firms, the number of firms, the distribution by firm size of sales and employees in the industry, the presence of Federal procurement, and relation to other SBA programs. The development of size standards is not an exact quantitative procedure. No single measure or simple numerical device is the basis for establishing size standards.

(c) The process of establishing size standards is a complex one. The basic sources of data used in establishing size standards include: *The Standard Industrial Classification Manual*, which is used as a guide in defining industries; U.S. Bureau of the Census, *Economic Censuses including Concentration Ratios in Manufacturing, Enterprise Statistics*; special tabulations of the *Enterprise Statistics and Annual Survey of Manufactures* prepared for SBA by the U.S. Bureau of the Census; U.S. Department of Commerce, *U.S. Industrial Outlook, Survey of Current Business*, and *County Business Patterns*; Internal Revenue Service, *Statistics of Income*; Dun and Bradstreet, *DMI Market Profile*; and special USEEM tabulations; Economic Information Service, *Marketing Information*; *Federal Procurement Data System* statistics, SBA's own extensive files of articles and correspondence, and information provided by trade associations.

(d) Under the Regulatory Flexibility Act (Pub. L. 96-354), Federal agencies considering and promulgating regulations relating to small businesses generally utilize small business size criteria developed pursuant to the Small Business Act. However, SBA size

standards sometimes may not be appropriate for the particular regulation involved. In such cases where a Federal agency decides the SBA size standard is not appropriate, the agency may, after consultation with the SBA Office of Advocacy, establish a small business definition which is more appropriate to the activities of the agency.

(e) SBA assistance should not be regarded as permanent nor as the primary source of a firm's sales. It should be used to assist a firm to compete in the regular business world, without becoming dependent on continuing Government aid. Small businesses should not rely on Federal assistance from the cradle to the grave, but should plan for the day when they can compete without assistance.

§ 121.2 Standard industrial classifications and size standards.

(a) The following industry size standards apply to all SBA programs except the sales of government property (§ 121.6); physical disaster loans (no size standards); Small Business Investment Companies, Development Companies, and Pollution Control Bonds (see § 121.4). The industry size standards are set forth in the table following this section. Their relationship to the various SBA programs is set forth in §§ 121.4 and 121.5 of these regulations. The table column labeled "SIC" follows the standard industrial classification code as published by the U.S. Government in the *Standard Industrial Classification Manual*, Office of Management and Budget, Executive Office of the President. The *Standard Industrial Classification Manual* is intended to cover the entire field of economic activities. It classifies and defines activities by industry categories and is the source used by SBA as a guide in defining industries for size standards. (It is available for sale from the U.S. Government Printing Office¹ and is in the reference section of most libraries.) The number of employees or annual receipts indicates the maximum allowed for a concern (including its affiliates) to be considered small.

(b) For the purpose of these size standards, the term "number of employees" is a measure of the average employment of a business concern and means its average employment, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of

the preceding 12 months. If a business has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business. If a business has acquired an affiliate during the applicable 12 month period, it is necessary, in computing the applicant's number of employees, to include the affiliate's number of employees during the entire period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the period.

(c)(1) "Annual receipts" of a concern which has been in business for 3 or more complete fiscal years means the annual average gross revenue of the concern taken for the last 3 fiscal years. For the purpose of this definition, gross revenue of the concern includes revenues from sales of products and services, interest, rents, fees, commissions and/or whatever other sources derived, but less returns and allowances, sales of fixed assets, interaffiliate transactions between a concern and its domestic and foreign affiliates, and taxes collected for remittance (and if due, remitted) to a third party. Such revenues shall be measured as entered on the regular books of account of the concern whether on a cash, accrual, or other basis of accounting acceptable to the U.S. Treasury Department for the purpose of supporting Federal income tax returns, except when a change in accounting method from cash to accrual or accrual to cash has taken place during such 3-year period, or when the completed contract method has been used.

(i) In any case of a change in accounting method from cash to accrual or accrual to cash, revenues for such 3-year period shall, prior to the calculation of the annual average, be restated to the accrual method. In any case where the completed contract method has been used to account for revenues in such 3-year period, revenues must be restated on an accrual basis using the percentage of completion method.

(ii) In the case of a concern which does not keep regular books of accounts, but which is subject to U.S. Federal income taxation, "annual receipts" shall be measured as reported, or to be reported to the U.S. Treasury Department, Internal Revenue Service for Federal income tax purposes, except that any return based on a change in

accounting method or on the completed contract method of accounting must be restated as provided for in the preceding paragraphs.

(c)(2) "Annual receipts" of a concern that has been in business for less than 3 complete fiscal years means its total receipts for the period it has been in business, divided by the number of weeks including fractions of a week, that it has been in business, and multiplied by 52. In calculating total receipts under this provision (c)(2), the definitions, and adjustments related to a change of accounting method and the completed contract method of paragraph (c)(1) of this section are applicable.

FINAL RULE SIZE STANDARDS BY SIC INDUSTRY

| SIC | Description | Size standards in number of employees or millions of dollars | Final Rule |
|---|--|--|------------|
| Division A—Agriculture | | | |
| Major Group 01—Agricultural Production—Crops | | | |
| 0111-0191 | Agricultural Production—Crops, except 0181. | | \$0.1 |
| 0181 | Ornamental Floriculture and Nursery Products. | | \$0.5 |
| Major Group 02—Agricultural Production—Livestock | | | |
| 0211 | Beef Cattle Feedlots (Custom) | | \$1.0 |
| 0212-0291 | Agricultural Production—Livestock, except 0211 and 0252. | | \$0.1 |
| 0252 | Chicken Eggs | | \$1.0 |
| Major Group 07—Agricultural Services | | | |
| All SIC's | | | \$3.5 |
| Major Group 08—Forestry | | | |
| All SIC's | | | \$3.5 |
| Major Group 09—Fishing, Hunting, and Trapping | | | |
| All SIC's | | | \$2.0 |
| Division B—Mining | | | |
| Major Group 10—Metal Mining | | | |
| 1011 | Iron Ores | | 500 |
| 1021 | Copper Ores | | 500 |
| 1031 | Lead and Zinc Ores | | 500 |
| 1041 | Gold Ores | | 500 |
| 1044 | Silver Ores | | 500 |
| 1051 | Bauxite and Other Aluminum Ores | | 500 |
| 1061 | Ferrous Alloy Ores, Except Vanadium | | 500 |
| 1081 | Metal Mining Services | | \$3.5 |
| 1092 | Mercury Ores | | 500 |
| 1094 | Uranium-Radium-Vanadium Ores | | 500 |
| 1099 | Metal Ores, Not Elsewhere Classified | | 500 |
| Major Group 11—Anthracite Mining | | | |
| 1111 | Anthracite | | 500 |

¹ Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock Number 4101-0066).

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|--|---|--|
| | | Final Rule |
| 1112 | Anthracite Mining Services | \$3.5 |
| Major Group 12—Bituminous Coal and Lignite Mining | | |
| 1211 | Bituminous Coal and Lignite | 500 |
| 1213 | Bituminous Coal and Lignite Mining Services | \$3.5 |
| Major Group 13—Oil and Gas Extraction | | |
| 1311 | Crude Petroleum and Natural Gas | 500 |
| 1321 | Natural Gas Liquids | 500 |
| 1381 | Drilling Oil and Gas Wells | 500 |
| 1382 | Oil and Gas Field Exploration Services | \$3.5 |
| 1389 | Oil and Gas Field Services, N.E.C. | \$3.5 |
| Major Group 14—Mining and Quarrying of Non-Metallic Minerals, Except Fuels | | |
| 1411 | Dimension Stone | 500 |
| 1422 | Crushed and Broken Limestone | 500 |
| 1423 | Crushed and Broken Granite | 500 |
| 1429 | Crushed and Broken Stone, N.E.C. | 500 |
| 1442 | Construction Sand and Gravel | 500 |
| 1446 | Industrial Sand | 500 |
| 1452 | Bentonite | 500 |
| 1453 | Fire Clay | 500 |
| 1454 | Fuller's Earth | 500 |
| 1455 | Kaolin and Ball Clay | 500 |
| 1459 | Clay, Ceramic, and Refractory Minerals, N.E.C. | 500 |
| 1472 | Barite | 500 |
| 1473 | Fluorspar | 500 |
| 1474 | Potash, Soda, and Borate Minerals | 500 |
| 1475 | Phosphate Rock | 500 |
| 1476 | Rock Salt | 500 |
| 1477 | Sulfur | 500 |
| 1479 | Chemical and Fertilizer Mineral Mining, N.E.C. | 500 |
| 1481 | Nonmetallic Minerals (Except Fuels) Services | \$3.5 |
| 1492 | Gypsum | 500 |
| 1496 | Talc, Soapstone, and Pyrophyllite | 500 |
| 1499 | Miscellaneous Nonmetallic Minerals, N.E.C. | 500 |
| Division C—Construction | | |
| Major Group 15—Building Construction—General Contractors and Operative Builders | | |
| 1521 | General Contractors—Single-Family House | \$17.0 |
| 1522 | General Contractors—Residential Buildings, Other Than Single-Family | \$17.0 |
| 1531 | Operative Builders | \$17.0 |
| 1541 | General Contractors—Industrial Buildings and Warehouses | \$17.0 |
| 1542 | General Contractors—Nonresidential Buildings, Other Than Industrial Buildings and Warehouse | \$17.0 |
| Major Group 16—Construction Other Than Building Construction—General Contractors | | |
| 1611 | Highway and Street Construction, Except Elevated Highways | \$17.0 |
| 1622 | Bridge, Tunnel, and Elevated Highway Construction | \$17.0 |
| 1623 | Water, Sewer, Pipe Line, Communication and Power Line Construction | \$17.0 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|---|--|
| | | Final Rule |
| 1629 | Heavy Construction, Except Dredging, N.E.C. | \$17.0 |
| 1629 | Dredging and Surface Cleanup Activities. ¹⁶ | \$9.5 |
| Major Group 17—Construction—Special Trade Contractors | | |
| 1711 | Plumbing, Heating (Except Electric), and Air Conditioning | \$7.0 |
| 1721 | Painting, Paper Hanging, and Decorating | \$7.0 |
| 1731 | Electrical Work | \$7.0 |
| 1741 | Masonry, Stone Setting, and Other Stonework | \$7.0 |
| 1742 | Plastering, Drywall, Acoustical, and Insulation Work | \$7.0 |
| 1743 | Terrazzo, Tile, Marble, and Mosaic Work | \$7.0 |
| 1751 | Carpentering | \$7.0 |
| 1752 | Floor Laying and Other Floor Work, N.E.C. | \$7.0 |
| 1761 | Roofing and Sheet Metal Work | \$7.0 |
| 1771 | Concrete Work | \$7.0 |
| 1781 | Water Well Drilling | \$7.0 |
| 1791 | Structural Steel Erection | \$7.0 |
| 1793 | Glass and Glazing Work | \$7.0 |
| 1794 | Excavating, and Foundation Work | \$7.0 |
| 1795 | Wrecking and Demolition Work | \$7.0 |
| 1796 | Installation or Erection of Building Equipment, N.E.C. | \$7.0 |
| 1799 | Special Trade Contractors, N.E.C. | \$7.0 |
| xl | Base House Maintenance. ¹³ | \$7.0 |
| Division D—Manufacturing ² | | |
| Major Group 20—Food and Kindred Products | | |
| 2011 | Meat Packing Plants | 500 |
| 2013 | Sausages and Other Prepared Meat Products | 500 |
| 2016 | Poultry Dressing Plants | 500 |
| 2017 | Poultry and Egg Processing | 500 |
| 2021 | Creamery Butter | 500 |
| 2022 | Cheese, Natural and Processed | 500 |
| 2023 | Condensed and Evaporated Milk | 500 |
| 2024 | Ice Cream and Frozen Desserts | 500 |
| 2026 | Fluid Milk | 500 |
| 2032 | Canned Specialties | 1,000 |
| 2033 | Canned Fruits, Vegetables, Preserves, Jams, and Jellies. ² | 500 |
| 2034 | Dried and Dehydrated Fruits, Vegetables, and Soup Mixes | 500 |
| 2035 | Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings | 500 |
| 2037 | Frozen Fruit, Fruit Juices, and Vegetables | 500 |
| 2038 | Frozen Specialties | 500 |
| 2041 | Flour and Other Grain Mill Products | 500 |
| 2043 | Cereal Breakfast Foods | 1,000 |
| 2044 | Rice Milling | 500 |
| 2045 | Blended and Prepared Flour | 500 |
| 2046 | Wet Corn Milling | 750 |
| 2047 | Dog, Cat, and Other Pet Food | 500 |
| 2048 | Prepared Feeds and Feed Ingredients for Animals and Fowls, N.E.C. | 500 |
| 2051 | Bread and Other Bakery Products, Except Cookies and Crackers | 500 |
| 2052 | Cookies and Crackers | 750 |
| 2061 | Cane Sugar, Except Refining Only | 500 |
| 2062 | Cane Sugar Refining | 750 |
| 2063 | Beet Sugar | 750 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|--------------------------------------|--|--|
| | | Final Rule |
| 2065 | Candy and Other Confectionery Products | 500 |
| 2066 | Chocolate and Cocoa Products | 500 |
| 2067 | Chewing Gum | 500 |
| 2074 | Cottonseed Oil Mills | 500 |
| 2075 | Soybean Oil Mills | 500 |
| 2076 | Vegetable Oil Mills, Except Corn, Cotton-seed, and Soybean | 1,000 |
| 2077 | Animal and Marine Fats and Oils | 500 |
| 2079 | Shortening, Table Oils, Margarine and Other Edible Fats and Oils, N.E.C. | 750 |
| 2082 | Malt Beverages | 500 |
| 2083 | Malt | 500 |
| 2084 | Wines, Brandy, and Brandy Spirits | 500 |
| 2085 | Distilled, Rectified, and Blended Liquors | 750 |
| 2086 | Bottled and Canned Soft Drinks and Carbonated Waters | 500 |
| 2087 | Flavoring Extracts and Flavoring Sirups, N.E.C. | 500 |
| 2091 | Canned and Cured Fish and Seafoods | 500 |
| 2092 | Fresh or Frozen Packaged Fish and Seafoods | 500 |
| 2095 | Roasted Coffee | 500 |
| 2097 | Manufactured Ice | 500 |
| 2098 | Macaroni, Spaghetti, Vermicelli, and Noodles | 500 |
| 2099 | Food Preparations, N.E.C. | 500 |
| Major Group 21—Tobacco Manufactures | | |
| 2111 | Cigarettes | 1,000 |
| 2121 | Cigars | 500 |
| 2131 | Tobacco (Chewing and Smoking) and Snuff | 500 |
| 2141 | Tobacco Stemming and Redrying | 500 |
| Major Group 22—Textile Mill Products | | |
| 2211 | Broad Woven Fabric Mills, Cotton | 1,000 |
| 2221 | Broad Woven Fabric Mills, Man-Made Fiber and Silk | 500 |
| 2231 | Broad Woven Fabric Mills, Wool (Including Dyeing and Finishing) | 500 |
| 2241 | Narrow Fabrics and Other Smallwares Mills: Cotton, Wool, Silk, and Man-Made Fiber | 500 |
| 2251 | Women's Full Length and Knee Length Hosiery | 500 |
| 2252 | Hosiery, Except Women's Full Length and Knee Length Hosiery | 500 |
| 2253 | Knit Outerwear Mills | 500 |
| 2254 | Knit Underwear Mills | 500 |
| 2257 | Circular Knit Fabric Mills | 500 |
| 2258 | Warp Knit Fabric Mills | 500 |
| 2259 | Knitting Mills | 500 |
| 2261 | Finishers of Broad Woven Fabrics of Cotton | 1,000 |
| 2262 | Finishers of Broad Woven Fabrics of Man-Made Fiber and Silk | 500 |
| 2269 | Finishers of Textiles, N.E.C. | 500 |
| 2271 | Woven Carpets and Rugs | 50 |
| 2272 | Tufted Carpets and Rugs | 500 |
| 2279 | Carpets and Rugs, N.E.C. | 500 |
| 2281 | Yarn Spinning Mills: Cotton, Man-Made Fibers, and Silk | 500 |
| 2282 | Yarn Texturizing, Throwing, Twisting, and Winding Mills: Cotton, Man-Made Fibers, and Silk | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|--|--|--|
| | | Final Rule |
| 2283 | Yarn Mills, Wool, Including Carpet and Rug Yarn. | 500 |
| 2284 | Thread Mills | 500 |
| 2291 | Felt Goods, Except Woven Felts and Hats. | 500 |
| 2292 | Lace Goods | 500 |
| 2293 | Paddings and Upholstery Filling. | 500 |
| 2294 | Processed Waste and Recovered Fibers and Flock. | 500 |
| 2295 | Coated Fabrics, Not Rubberized. | 1,000 |
| 2296 | Tire Cord and Fabric | 1,000 |
| 2297 | Nonwoven Fabrics | 500 |
| 2298 | Cordage and Twine | 500 |
| 2299 | Textile Goods, N.E.C. | 500 |
| Major Group 23—Apparel and Other Finished Products Made from Fabrics and Similar Materials | | |
| 2311 | Men's, Youths', and Boys' Suits, Coats and Overcoats. | 500 |
| 2321 | Men's Youths', and Boys' Shirts (Except Work Shirts) and Nightwear. | 500 |
| 2322 | Men's Youths', and Boys' Underwear. | 500 |
| 2323 | Men's Youths', and Boys' Neckwear. | 500 |
| 2327 | Men's Youths', and Boys' Separate Trousers. | 500 |
| 2328 | Men's Youths', and Boys' Work Clothing. | 500 |
| 2329 | Men's Youths', and Boys' Clothing, N.E.C. | 500 |
| 2331 | Women's Misses', and Juniors' Blouses, Waists, and Shirts. | 500 |
| 2335 | Women's Misses', and Juniors' Dresses. | 500 |
| 2337 | Women's Misses', and Juniors' Suits, Skirts, and Coats. | 500 |
| 2339 | Women's Misses', and Juniors' Outerwear, N.E.C. | 500 |
| 2341 | Women's Misses', Children's and Infants' Underwear and Nightwear. | 500 |
| 2342 | Brassieres, Girdles, and Allied Garments. | 500 |
| 2351 | Millinery | 500 |
| 2352 | Hats and Caps, Except Millinery. | 500 |
| 2361 | Girls', Children's, and Infants' Dresses, Blouses, Waists, and Shirts. | 500 |
| 2363 | Girls', Children's, and Infants' Coats and Suits. | 500 |
| 2369 | Girls', Children's, and Infants' Outerwear, N.E.C. | 500 |
| 2371 | Fur Goods | 500 |
| 2381 | Dress and Work Gloves, Except Knit and All-Leather. | 500 |
| 2384 | Robes and Dressing Gowns | 500 |
| 2385 | Raincoats and Other Waterproof Outer Garments. | 500 |
| 2386 | Leather and Sheep Lined Clothing. | 500 |
| 2387 | Apparel Belts | 500 |
| 2389 | Apparel and Accessories, N.E.C. | 500 |
| 2391 | Curtains and Draperies | 500 |
| 2392 | Housefurnishings, Except Curtains and Draperies. | 500 |
| 2393 | Textile Bags | 500 |
| 2394 | Canvas and Related Products | 500 |
| 2395 | Pleating, Decorative and Novelty Stitching, and Tucking for the Trade. | 500 |
| 2396 | Automotive Trimmings, Apparel Findings, and Related Products. | 500 |
| 2397 | Schiffli Machine Embroideries | 500 |
| 2399 | Fabricated Textile Products, N.E.C. | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|---|--|
| | | Final Rule |
| Major Group 24—Lumber and Wood Products, Except Furniture | | |
| 2411 | Logging Camps and Logging Contractors. | 500 |
| 2421 | Sawmills and Planing Mills, General. | 500 |
| 2426 | Hardwood Dimension and Flooring Mills. | 500 |
| 2429 | Special Products Sawmills, N.E.C. | 500 |
| 2431 | Millwork | 500 |
| 2434 | Wood Kitchen Cabinets | 500 |
| 2435 | Hardwood Veneer and Plywood. | 500 |
| 2436 | Softwood Veneer and Plywood | 500 |
| 2439 | Structural Wood Members, N.E.C. | 500 |
| 2441 | Nailed and Lock Corner Wood Boxes and Shook. | 500 |
| 2448 | Wood Pallets and Skids | 500 |
| 2449 | Wood Containers, N.E.C. | 500 |
| 2451 | Mobile Homes | 500 |
| 2452 | Prefabricated Wood Buildings and Components. | 500 |
| 2491 | Wood Preserving | 500 |
| 2492 | Particleboard | 500 |
| 2499 | Wood Products, N.E.C. | 500 |
| Major Group 25—Furniture and Fixtures | | |
| 2511 | Wood Household Furniture, Except Upholstered. | 500 |
| 2512 | Wood Household Furniture, Upholstered. | 500 |
| 2514 | Metal Household Furniture | 500 |
| 2515 | Mattresses and Bedsprings | 500 |
| 2517 | Wood Television, Radio, Phonograph, and Sewing Machine Cabinets. | 500 |
| 2519 | Household Furniture, N.E.C. | 500 |
| 2521 | Wood Office Furniture | 500 |
| 2522 | Metal Office Furniture | 500 |
| 2531 | Public Building and Related Furniture. | 500 |
| 2541 | Wood Partitions, Shelving, Lockers, and Office and Store Fixtures. | 500 |
| 2542 | Metal Partitions, Shelving, Lockers, and Office and Store Fixtures. | 500 |
| 2591 | Draperies Hardware and Window Blinds and Shades. | 500 |
| 2599 | Furniture and Fixtures, N.E.C. | 500 |
| Major Group 26—Paper and Allied Products | | |
| 2611 | Pulp mills | 750 |
| 2621 | Paper Mills, Except Building Paper Mills. | 750 |
| 2631 | Paperboard Mills | 750 |
| 2641 | Paper Coating and Glazing | 500 |
| 2642 | Envelopes | 500 |
| 2643 | Bags, Except Textile Bags | 500 |
| 2645 | Die-Cut Paper and Paperboard and Cardboard. | 500 |
| 2646 | Pressed and Molded Pulp Goods. | 750 |
| 2647 | Sanitary Paper Products | 500 |
| 2648 | Stationery, Tablets, and Related Products. | 500 |
| 2649 | Converted Paper and Paperboard Products, N.E.C. | 500 |
| 2651 | Folding Paperboard Boxes | 500 |
| 2652 | Set-up Paperboard Boxes | 500 |
| 2653 | Corrugated and Solid Fiber Boxes. | 500 |
| 2654 | Sanitary Food Containers | 750 |
| 2655 | Fiber Cans, Tubes, Drums, and Similar Products. | 500 |
| 2661 | Building Paper and Building Board Mills. | 750 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|--|--|--|
| | | Final Rule |
| Major Group 27—Printing, Publishing, and Allied Industries | | |
| 2711 | Newspapers: Publishing, Publishing and Printing. | 500 |
| 2721 | Periodicals: Publishing, Publishing and Printing. | 500 |
| 2731 | Books: Publishing, Publishing and Printing. | 500 |
| 2732 | Book Printing | 500 |
| 2741 | Miscellaneous Publishing | 500 |
| 2751 | Commercial Printing, Letterpress, and Screen. | 500 |
| 2752 | Commercial Printing, Lithographic. | 500 |
| 2753 | Engraving and Plate Printing | 500 |
| 2754 | Commercial Printing, Gravure | 500 |
| 2761 | Manifold Business Forms | 500 |
| 2771 | Greeting Card Publishing | 500 |
| 2782 | Blankbooks, Looseleaf Binders and Devices. | 500 |
| 2789 | Bookbinding and Related Work | 500 |
| 2791 | Typesetting | 500 |
| 2793 | Photoengraving | 500 |
| 2794 | Electrotyping and Stereotyping | 500 |
| 2795 | Lithographic Platemaking and Related Services. | 500 |
| Major Group 28—Chemicals and Allied Products | | |
| 2812 | Alkalies and Chlorine | 1,000 |
| 2813 | Industrial Gases | 1,000 |
| 2816 | Inorganic Pigments | 1,000 |
| 2819 | Industrial Inorganic Chemicals, N.E.C. | 1,000 |
| 2821 | Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers. | 750 |
| 2822 | Synthetic Rubber (Vulcanizable Elastomers). | 1,000 |
| 2823 | Cellulosic Man-Made Fibers | 1,000 |
| 2824 | Synthetic Organic Fibers, Except Cellulosic. | 1,000 |
| 2831 | Biological Products | 500 |
| 2833 | Medicinal Chemicals and Botanical Products. | 750 |
| 2834 | Pharmaceutical Preparations | 750 |
| 2841 | Soap and Other Detergents, Except Specialty Cleaners. | 750 |
| 2842 | Specialty Cleaning, Polishing, and Sanitation Preparations. | 500 |
| 2843 | Surface Active Agents, Finishing Agents, Sulfonated Oils and Assistants. | 500 |
| 2844 | Perfumes, Cosmetics, and Other Toilet Preparations. | 500 |
| 2851 | Paints, Varnishes, Lacquers, Enamels, and Allied Products. | 500 |
| 2861 | Gum and Wood Chemicals | 500 |
| 2865 | Cyclic (Coal Tar) Crudes, and Cyclic Intermediates, Dyes, and Organic Pigments (Lakes and Toners). | 750 |
| 2869 | Industrial Organic Chemicals, N.E.C. | 1,000 |
| 2873 | Nitrogenous Fertilizers | 1,000 |
| 2874 | Phosphatic Fertilizers | 500 |
| 2875 | Fertilizers, Mixing Only | 500 |
| 2879 | Pesticides and Agricultural Chemicals, N.E.C. | 500 |
| 2891 | Adhesives and Sealants | 500 |
| 2892 | Explosives | 750 |
| 2893 | Printing Ink | 500 |
| 2895 | Carbon Black | 500 |
| 2899 | Chemicals and Chemical Preparations, N.E.C. | 500 |
| Major Group 29—Petroleum Refining and Related Industries | | |
| 2911 | Petroleum Refining* | 1,500 |
| 2951 | Paving Mixtures and Blocks | 500 |
| 2952 | Asphalt Felts and Coatings | 750 |
| 2992 | Lubricating Oils and Greases | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|--|--|
| | | Final Rule |
| 2999 | Products of Petroleum and Coal, N.E.C. | 500 |
| Major Group 30—Rubber and Miscellaneous Plastics Products | | |
| 3011 | Tires and Inner Tubes * | 1,000 |
| 3021 | Rubber and Plastics Footwear | 1,000 |
| 3031 | Reclaimed Rubber | 750 |
| 3041 | Rubber and Plastics Hose and Belting | 500 |
| 3069 | Fabricated Rubber Products, N.E.C. | 500 |
| 3079 | Miscellaneous Plastics Products | 500 |
| Major Group 31—Leather and Leather Products | | |
| 3111 | Leather Tanning and Finishing | 500 |
| 3131 | Boot and Shoe Cut Stock and Findings | 500 |
| 3142 | House Slippers | 500 |
| 3143 | Men's Footwear, Except Athletic | 500 |
| 3144 | Women's Footwear, Except Athletic | 500 |
| 3149 | Footwear, Except Rubber, N.E.C. | 500 |
| 3151 | Leather Gloves and Mittens | 500 |
| 3161 | Luggage | 500 |
| 3171 | Women's Handbags and Purses | 500 |
| 3172 | Personal Leather Goods, Except Women's Handbags and Purses | 500 |
| 3199 | Leather Goods, N.E.C. | 500 |
| Major Group 32—Stone, Clay, Glass, and Concrete Products | | |
| 3211 | Flat Glass | 1,000 |
| 3221 | Glass Containers | 750 |
| 3229 | Pressed and Blown Glass and Glassware, N.E.C. | 750 |
| 3231 | Glass Products, Made of Purchased Glass | 500 |
| 3241 | Cement, Hydraulic | 750 |
| 3251 | Brick and Structural Clay Tile | 500 |
| 3253 | Ceramic Wall and Floor Tile | 500 |
| 3255 | Clay Refractories | 500 |
| 3259 | Structural Clay Products, N.E.C. | 500 |
| 3261 | Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories | 750 |
| 3262 | Vitreous China Table and Kitchen Articles | 500 |
| 3263 | Fine Earthenware (Whiteware) Table and Kitchen Articles | 500 |
| 3264 | Porcelain Electrical Supplies | 500 |
| 3269 | Pottery Products, N.E.C. | 500 |
| 3271 | Concrete Block and Brick | 500 |
| 3272 | Concrete Products, Except Block and Brick | 500 |
| 3273 | Ready-Mixed Concrete | 500 |
| 3274 | Lime | 500 |
| 3275 | Gypsum Products | 1,000 |
| 3281 | Cut Stone and Stone Products | 500 |
| 3281 | Abrasive Products | 500 |
| 3292 | Asbestos Products | 750 |
| 3293 | Gaskets, Packing, and Sealing Devices | 500 |
| 3295 | Minerals and Earths, Ground or Otherwise Treated | 500 |
| 3296 | Mineral Wool | 750 |
| 3297 | Nonclay Refractories | 750 |
| 3299 | Nonmetallic Mineral Products, N.E.C. | 500 |
| Major Group 33—Primary Metal Industries | | |
| 3312 | Blast Furnaces (Including Coke Ovens), Steel Works, and Rolling Mills | 1,000 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|--|--|
| | | Final Rule |
| 3313 | Electrometallurgical Products | 750 |
| 3315 | Steel Wire Drawing and Steel Nails and Spikes | 1,000 |
| 3316 | Cold Rolled Steel Sheet, Strip, and Bars | 1,000 |
| 3317 | Steel Pipe and Tubes | 1,000 |
| 3321 | Gray Iron Foundries | 500 |
| 3322 | Malleable Iron Foundries | 500 |
| 3324 | Steel Investment Foundries | 500 |
| 3325 | Steel Foundries, N.E.C. | 500 |
| 3331 | Primary Smelting and Refining of Copper | 1,000 |
| 3332 | Primary Smelting and Refining of Lead | 1,000 |
| 3333 | Primary Smelting and Refining of Zinc | 750 |
| 3334 | Primary Production of Aluminum | 1,000 |
| 3339 | Primary Smelting and Refining of Nonferrous Metals, N.E.C. | 750 |
| 3341 | Secondary Smelting and Refining of Nonferrous Metals | 500 |
| 3351 | Rolling, Drawing, and Extruding of Copper | 750 |
| 3353 | Aluminum Sheet, Plate, and Foil | 750 |
| 3354 | Aluminum Extruded Products | 750 |
| 3355 | Aluminum Rolling and Drawing, N.E.C. | 750 |
| 3356 | Rolling, Drawing, and Extruding of Nonferrous Metals, Except Copper and Aluminum | 750 |
| 3357 | Drawing and Insulating of Nonferrous Wire | 1,000 |
| 3361 | Aluminum Foundries (Castings) | 500 |
| 3362 | Brass, Bronze, Copper, Copper Base Alloy Foundries (Castings) | 500 |
| 3369 | Nonferrous Foundries (Castings), N.E.C. | 500 |
| 3398 | Metal Heat Treating | 750 |
| 3399 | Primary Metal Products, N.E.C. | 750 |
| Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment | | |
| 3411 | Metal Cans | 1,000 |
| 3412 | Metal Shopping Barrels, Drums, Kegs, and Pails | 500 |
| 3421 | Cutlery | 500 |
| 3423 | Hand and Edge Tools, Except Machine Tools and Hand Saws | 500 |
| 3425 | Hand Saws and Saw Blades | 500 |
| 3429 | Hardware, N.E.C. | 500 |
| 3431 | Enameled Iron and Metal Sanitary Ware | 750 |
| 3432 | Plumbing Fixture Fittings and Trim (Brass Goods) | 500 |
| 3433 | Heating Equipment, Except Electric and Warm Air Furnaces | 500 |
| 3441 | Fabricated Structural Metal | 500 |
| 3442 | Metal Doors, Sash, Frames, Molding, and Trim | 500 |
| 3443 | Fabricated Plate Work (Boiler Shops) | 500 |
| 3444 | Sheet Metal Work | 500 |
| 3446 | Architectural and Ornamental Metal Work | 500 |
| 3448 | Prefabricated Metal Buildings and Components | 500 |
| 3449 | Miscellaneous Metal Work | 500 |
| 3451 | Screw Machine Products | 500 |
| 3452 | Bolts, Nuts, Screws, Rivets, and Washers | 500 |
| 3462 | Iron and Steel Forgings | 500 |
| 3463 | Nonferrous Forgings | 500 |
| 3465 | Automotive Stampings | 500 |
| 3466 | Crowns and Closures | 500 |
| 3469 | Metal Stampings, N.E.C. | 500 |
| 3471 | Electroplating, Plating, Polishing, Anodizing, and Coloring | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|---|--|
| | | Final Rule |
| 3479 | Coating, Engraving, and Allied Services, N.E.C. | 500 |
| 3482 | Small Arms Ammunition | 1,000 |
| 3483 | Ammunition, Except for Small Arms, N.E.C. | 1,500 |
| 3484 | Small Arms | 1,000 |
| 3489 | Ordnance and Accessories, N.E.C. | 500 |
| 3493 | Steel Springs, Except Wire | 500 |
| 3494 | Valves and Pipe Fittings, Except Plumbers' Brass Goods | 500 |
| 3495 | Wire Springs | 500 |
| 3496 | Miscellaneous Fabricated Wire Products | 500 |
| 3497 | Metal Foil and Leaf | 500 |
| 3498 | Fabricated Pipe and Fabricated Pipe Fittings | 500 |
| 3499 | Fabricated Metal Products, N.E.C. | 500 |
| Major Group 35—Machinery, Except Electrical | | |
| 3511 | Steam, Gas, and Hydraulic Turbines and Turbine Generator Set Units | 1,000 |
| 3519 | Internal Combustion Engines, N.E.C. | 1,000 |
| 3523 | Farm Machinery and Equipment | 500 |
| 3524 | Garden Tractors and Lawn and Garden Equipment | 500 |
| 3531 | Construction Machinery and Equipment | 750 |
| 3532 | Mining Machinery and Equipment, Except Oil Field Machinery and Equipment | 500 |
| 3533 | Oil Field Machinery and Equipment | 500 |
| 3534 | Elevators and Moving Stairways | 500 |
| 3535 | Conveyors and Conveying Equipment | 500 |
| 3536 | Hoists, Industrial Cranes, and Moorair Systems | 500 |
| 3537 | Industrial Trucks, Tractors, Trailers, and Stackers | 750 |
| 3541 | Machine Tools, Metal Cutting Types | 500 |
| 3542 | Machine Tools, Metal Forming Types | 500 |
| 3544 | Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds | 500 |
| 3545 | Machine Tool Accessories and Measuring Devices | 500 |
| 3546 | Power Driven Hand Tools | 500 |
| 3547 | Rolling Mill Machinery and Equipment | 500 |
| 3549 | Metalworking Machinery, N.E.C. | 500 |
| 3551 | Food Products Machinery | 500 |
| 3552 | Textile Machinery | 500 |
| 3553 | Woodworking Machinery | 500 |
| 3554 | Paper Industries Machinery | 500 |
| 3555 | Printing Trades Machinery and Equipment | 500 |
| 3559 | Special Industry Machinery, N.E.C. | 500 |
| 3561 | Pumps and Pumping Equipment | 500 |
| 3562 | Ball and Roller Bearings | 750 |
| 3563 | Air and Gas Compressors | 500 |
| 3564 | Blowers and Exhaust and Ventilation Fans | 500 |
| 3565 | Industrial Patterns | 500 |
| 3566 | Speed Changers, Industrial High Speed Drives, and Gears | 500 |
| 3567 | Industrial Process Furnaces and Ovens | 500 |
| 3568 | Mechanical Power Transmission Equipment, N.E.C. | 500 |
| 3569 | General Industrial Machinery and Equipment, N.E.C. | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|------|---|--|
| | | Final Rule |
| 3572 | Typewriters | 1,000 |
| 3573 | Electronic Computing Equipment | 1,000 |
| 3574 | Calculating and Accounting Machines, Except Electronic Computing Equipment | 1,000 |
| 3576 | Scales and Balances, Except Laboratory | 500 |
| 3579 | Office Machines, N.E.C. | 500 |
| 3581 | Automatic Merchandising Machines | 500 |
| 3582 | Commercial Laundry, Dry Cleaning, and Pressing Machines | 500 |
| 3585 | Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment | 750 |
| 3586 | Measuring and Dispensing Pumps | 500 |
| 3589 | Service Industry Machines, N.E.C. | 500 |
| 3592 | Carburetors, Pistons, Piston Rings, and Valves | 500 |
| 3599 | Machinery, Except Electrical, N.E.C. | 500 |

Major Group 36—Electrical and Electronic Machinery, Equipment, and Supplies

| | | |
|------|---|-------|
| 3612 | Power, Distribution, and Specialty Transformers | 750 |
| 3613 | Switchgear and Switchboard Apparatus | 750 |
| 3621 | Motors and Generators | 1,000 |
| 3622 | Industrial Controls | 750 |
| 3623 | Welding Apparatus, Electric | 500 |
| 3624 | Carbon and Graphite Products | 750 |
| 3629 | Electrical Industrial Apparatus, N.E.C. | 500 |
| 3631 | Household Cooking Equipment | 750 |
| 3632 | Household Refrigerators and Home and Farm Freezers | 1,000 |
| 3633 | Household Laundry Equipment | 1,000 |
| 3634 | Electric Housewares and Fans | 750 |
| 3635 | Household Vacuum Cleaners | 750 |
| 3636 | Sewing Machines | 750 |
| 3639 | Household Appliances, N.E.C. | 500 |
| 3641 | Electric Lamps | 1,000 |
| 3643 | Current-Carrying Wiring Devices | 500 |
| 3644 | Noncurrent-Carrying Wiring Devices | 500 |
| 3645 | Residential Electric Lighting Fixtures | 500 |
| 3646 | Commercial, Industrial, and Institutional Electric Lighting Fixtures | 500 |
| 3647 | Vehicular Lighting Equipment | 500 |
| 3648 | Lighting Equipment, N.E.C. | 500 |
| 3651 | Radio and Television Receiving Sets, Except Communication Types | 750 |
| 3652 | Phonograph Records and Pre-recorded Magnetic Tape | 750 |
| 3661 | Telephone and Telegraph Apparatus | 1,000 |
| 3662 | Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus | 750 |
| 3671 | Radio and Television Receiving Type Electron Tubes, Except Cathode Ray | 1,000 |
| 3672 | Cathode Ray Television Picture Tubes | 750 |
| 3673 | Transmitting, Industrial, and Special Purpose Electron Tubes | 750 |
| 3674 | Semiconductors and Related Devices | 500 |
| 3675 | Electronic Capacitors | 500 |
| 3676 | Resistors, for Electronic Applications | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|------|---|--|
| | | Final Rule |
| 3677 | Electronic Coils, Transformers, and Other Inductors | 500 |
| 3678 | Connectors, for Electronic Applications | 500 |
| 3679 | Electronic Components, N.E.C. | 500 |
| 3691 | Storage Batteries | 500 |
| 3692 | Primary Batteries, Dry and Wet | 1,000 |
| 3693 | Radiographic X-ray, Fluoroscopic X-ray, Therapeutic X-ray, and Other X-ray Apparatus and Tubes; Electromedical and Electrotherapeutic Apparatus | 500 |
| 3694 | Electrical Equipment for Internal Combustion Engines | 750 |
| 3699 | Electrical Machinery, Equipment, and Supplies, N.E.C. | 500 |

Major Group 37—Transportation Equipment

| | | |
|------|---|-------|
| 3711 | Motor Vehicles and Passenger Car Bodies | 1,000 |
| 3713 | Truck and Bus Bodies | 500 |
| 3714 | Motor Vehicle Parts and Accessories | 500 |
| 3715 | Truck Trailers | 500 |
| 3716 | Motor Homes | 1,000 |
| 3721 | Aircraft | 1,500 |
| 3724 | Aircraft Engines and Engine Parts | 1,000 |
| 3728 | Aircraft Parts and Auxiliary Equipment, N.E.C. ¹⁴ | 1,000 |
| 3731 | Ship Building and Repairing | 1,000 |
| 3732 | Boat Building and Repairing | 500 |
| 3743 | Railroad Equipment | 1,000 |
| 3751 | Motorcycles, Bicycles, and Parts | 500 |
| 3761 | Guided Missiles and Space Vehicles | 1,000 |
| 3764 | Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts | 1,000 |
| 3769 | Guided Missile and Space Vehicle Parts and Auxiliary Equipment, N.E.C. | 1,000 |
| 3792 | Travel Trailers and Campers | 500 |
| 3795 | Tanks and Tank Components | 1,000 |
| 3799 | Transportation Equipment, N.E.C. | 500 |

Major Group 38—Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods, Watches and Clocks

| | | |
|------|---|-----|
| 3811 | Engineering, Laboratory, Scientific, and Research Instruments and Associated Equipment | 500 |
| 3822 | Automatic Controls for Regulating Residential and Commercial Environments and Appliances | 500 |
| 3823 | Industrial Instruments for Measurement, Display, and Control of Process Variables, and Related Products | 500 |
| 3824 | Totalizing Fluid Meters and Counting Devices | 500 |
| 3825 | Instruments for Measuring and Testing of Electricity and Electrical Signals | 500 |
| 3829 | Measuring and Controlling Devices, N.E.C. | 500 |
| 3832 | Optical Instruments and Lenses | 500 |
| 3841 | Surgical and Medical Instruments and Apparatus | 500 |
| 3842 | Orthopedic, Prosthetic, and Surgical Appliances and Supplies | 500 |
| 3843 | Dental Equipment and Supplies | 500 |
| 3851 | Ophthalmic Goods | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|------|--|--|
| | | Final Rule |
| 3861 | Photographic Equipment and Supplies | 500 |
| 3873 | Watches, Clocks, Clockwork Operated Devices, and Parts | 500 |

Major Group 39—Miscellaneous Manufacturing Industries

| | | |
|------|---|-----|
| 3911 | Jewelry, Precious Metal | 500 |
| 3914 | Silverware, Plated Ware, and Stainless Steel Ware | 500 |
| 3915 | Jewelers' Findings and Materials, and Lapidary Work | 500 |
| 3931 | Musical Instruments | 500 |
| 3942 | Dolls | 500 |
| 3944 | Games, Toys, and Children's Vehicles; Except Dolls and Bicycles | 500 |
| 3949 | Sporting and Athletic Goods, N.E.C. | 500 |
| 3951 | Pens, Mechanical Pencils, and Parts | 500 |
| 3952 | Lead Pencils, Crayons, and Artists' Materials | 500 |
| 3953 | Marking Devices | 500 |
| 3955 | Carbon Paper and Inked Ribbons | 500 |
| 3961 | Costume Jewelry and Costume Novelties, Except Precious Metal | 500 |
| 3962 | Feathers, Plumes, and Artificial Trees and Flowers | 500 |
| 3963 | Buttons | 500 |
| 3964 | Needles, Pins, Hooks and Eyes, and Similar Notions | 500 |
| 3991 | Brooms and Brushes | 500 |
| 3993 | Signs and Advertising Displays | 500 |
| 3995 | Burial Caskets | 500 |
| 3996 | Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, N.E.C. | 750 |
| 3999 | Manufacturing Industries, N.E.C. | 500 |

Division E—Transportation, Communications, Electric, Gas, and Sanitary Services

Major Group 40—Railroad Transportation

| | | |
|------|---------------------------------------|-------|
| 4011 | Railroads, Line-haul Operating | 1,500 |
| 4013 | Switching and Terminal Establishments | 500 |

Major Group 41—Local and Suburban Transit and Interurban Highway Passenger Transportation

| | | |
|------|---|-------|
| 4111 | Local and Suburban Transit | \$3.5 |
| 4119 | Local Passenger Transportation, N.E.C. | \$3.5 |
| 4121 | Taxis | \$3.5 |
| 4131 | Intercity and Rural Highway Passenger Transportation | \$3.5 |
| 4141 | Local Passenger Transportation Charter Service | \$3.5 |
| 4142 | Passenger Transportation Charter Service, Except Local | \$3.5 |
| 4151 | School Buses | \$3.5 |
| 4171 | Terminal and Joint Terminal Maintenance Facilities for Motor Vehicle Passenger Transportation | \$3.5 |
| 4172 | Maintenance and Service Facilities for Motor Vehicle Passenger Transportation | \$3.5 |

Major Group 42—Motor Freight Transportation and Warehousing

| | | |
|------|--|--------|
| 4212 | Local Trucking Without Storage ¹⁵ | \$12.5 |
| 4213 | Trucking, Except Local | \$12.5 |
| 4214 | Local Trucking With Storage | \$12.5 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|---|--|
| | | Final Rule |
| 4221 | Farm Product Warehousing and Storage | \$12.5 |
| 4222 | Refrigerated Warehousing | \$12.5 |
| 4224 | Household Goods Warehousing and Storage | \$12.5 |
| 4225 | General Warehousing and Storage | \$12.5 |
| 4226 | Special Warehousing and Storage, N.E.C. | \$12.5 |
| 4231 | Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation | \$3.5 |
| Major Group 44—Water Transportation ¹ | | |
| 4411 | Deep Sea Foreign Transportation | 500 |
| 4421 | Transportation to and Between Non-contiguous Territories | 500 |
| 4422 | Coastwise Transportation | 500 |
| 4423 | Intercoastal Transportation | 500 |
| 4431 | Great Lakes-St. Lawrence Seaway Transportation | 500 |
| 4441 | Transportation on Rivers and Canals | 500 |
| 4452 | Ferries | 500 |
| 4453 | Lighthouse | 500 |
| 4454 | Towing and Tugboat Service | \$3.5 |
| 4458 | Local Water Transportation, N.E.C. | 500 |
| 4463 | Marine Cargo Handling | \$12.5 |
| 4464 | Canal Operation | \$3.5 |
| 4469 | Water Transportation Services, N.E.C. | \$3.5 |
| Major Group 45—Transportation by Air ¹ | | |
| 4511 | Air Transportation, Certificated Carriers | 1,500 |
| 4521 | Air Transportation, Noncertificated Carriers ² | 1,500 |
| 4582 | Airports and Flying Fields | \$3.5 |
| 4583 | Airport Terminal Services | \$3.5 |
| Major Group 46—Pipe Lines, Except Natural Gas | | |
| 4612 | Crude Petroleum Pipe Lines | 1,500 |
| 4613 | Refined Petroleum Pipe Lines | 1,500 |
| 4619 | Pipe Lines, N.E.C. | \$17.0 |
| Major Group 47—Transportation Services | | |
| 4712 | Freight Forwarding | \$12.5 |
| 4722 | Arrangement of Passenger Transportation | \$3.5 |
| 4723 | Arrangement of Transportation of Freight and Cargo | \$3.5 |
| 4742 | Rental of Railroad Cars With Care of Lading | \$3.5 |
| 4743 | Rental of Railroad Cars Without Care of Lading | \$3.5 |
| 4782 | Inspection and Weighing Services Connected With Transportation | \$3.5 |
| 4783 | Packing and Crating | \$12.5 |
| 4784 | Fixed Facilities for Handling Motor Vehicle Transportation, N.E.C. | \$3.5 |
| 4789 | Services incidental to Transportation, N.E.C. | \$3.5 |
| Major Group 48—Communications | | |
| 4832 | Radio Broadcasting | \$3.5 |
| 4833 | Television Broadcasting | \$7.0 |
| 4899 | Communication Services, N.E.C. | \$7.5 |
| Major Group 49—Electric, Gas, and Sanitary Services | | |
| 4911 | Electric Services | 4 million megawatt hrs. |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|--|--|
| | | Final Rule |
| 4941 | Water Supply | \$3.5 |
| 4952 | Sewerage Systems | \$3.5 |
| 4953 | Refuse Systems ³ | \$6.0 |
| 4959 | Sanitary Services, N.E.C. | \$3.5 |
| 4961 | Steam Supply | \$6.0 |
| 4971 | Irrigation Systems | \$3.5 |
| Division F—Wholesale Trade | | |
| Major Group 50—Wholesale Trade—Durable Goods | | |
| 5012 | Automobiles and Other Motor Vehicles | 500 |
| 5013 | Automotive Parts and Supplies | 500 |
| 5014 | Tires and Tubes | 500 |
| 5021 | Furniture | 500 |
| 5029 | Home Furnishings | 500 |
| 5031 | Lumber, Plywood, and Millwork | 500 |
| 5039 | Construction Materials, N.E.C. | 500 |
| 5041 | Sporting and Recreational Goods and Supplies | 500 |
| 5042 | Toys and Hobby Goods and Supplies | 500 |
| 5043 | Photographic Equipment and Supplies | 500 |
| 5051 | Metals Service Centers and Offices | 500 |
| 5052 | Coal and Other Minerals and Ores | 500 |
| 5063 | Electrical Apparatus and Equipment, Wiring Supplies and Construction Materials | 500 |
| 5064 | Electrical Appliances, Television and Radio Sets | 500 |
| 5065 | Electronic Parts and Equipment | 500 |
| 5072 | Hardware | 500 |
| 5074 | Plumbing and Heating Equipment and Supplies (Hydronics) | 500 |
| 5075 | Warm Air Heating and Air Conditioning Equipment and Supplies | 500 |
| 5078 | Refrigeration Equipment and Supplies | 500 |
| 5081 | Commercial Machines and Equipment | 500 |
| 5082 | Construction and Mining Machinery and Equipment | 500 |
| 5083 | Farm and Garden Machinery and Equipment | 500 |
| 5084 | Industrial Machinery and Equipment | 500 |
| 5085 | Industrial Supplies | 500 |
| 5086 | Professional Equipment and Supplies | 500 |
| 5087 | Service Establishment Equipment and Supplies | 500 |
| 5088 | Transportation Equipment and Supplies, Except Motor Vehicles | 500 |
| 5093 | Scrap and Waste Materials | 500 |
| 5094 | Jewelry, Watches, Diamonds and Other Precious Stones | 500 |
| 5099 | Durable Goods, N.E.C. | 500 |
| Major Group 51—Wholesale Trade—Nondurable Goods | | |
| 5111 | Printing and Writing Paper | 500 |
| 5112 | Stationery Supplies | 500 |
| 5113 | Industrial and Personal Service Paper | 500 |
| 5122 | Drugs, Drug Proprietarys, and Druggists' Sundries | 500 |
| 5133 | Piece Goods (Woven Fabrics) | 500 |
| 5134 | Notions and Other Dry Goods | 500 |
| 5136 | Men's and Boys' Clothing and Furnishings | 500 |
| 5137 | Women's, Children's and Infants' Clothing and Accessories | 500 |
| 5139 | Footwear | 500 |
| 5141 | Groceries, General Line | 500 |
| 5142 | Frozen Foods | 500 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|---|--|--|
| | | Final Rule |
| 5143 | Dairy Products | 500 |
| 5144 | Poultry and Poultry Products | 500 |
| 5145 | Confectionery | 500 |
| 5146 | Fish and Seafoods | 500 |
| 5147 | Meats and Meat Products | 500 |
| 5148 | Fresh Fruits and Vegetables | 500 |
| 5149 | Groceries and Related Products, N.E.C. | 500 |
| 5152 | Cotton | 500 |
| 5153 | Grain | 500 |
| 5154 | Livestock | 500 |
| 5159 | Farm-Product Raw Materials, N.E.C. | 500 |
| 5161 | Chemicals and Allied Products | 500 |
| 5171 | Petroleum Bulk Stations and Terminals | 500 |
| 5172 | Petroleum and Petroleum Products—Wholesalers, Except Bulk Stations and Terminals | 500 |
| 5181 | Bear and Ale | 500 |
| 5182 | Wines and Disabled Alcoholic Beverages | 500 |
| 5191 | Farm Supplies | 500 |
| 5194 | Tobacco and Tobacco Products | 500 |
| 5198 | Paints, Varnishes, and Supplies | 500 |
| 5199 | Nondurable Goods, N.E.C. | 500 |
| Division G—Retail Trade | | |
| Major Group 52—Building Materials, Hardware, Garden Supply, and Mobile Home Dealers | | |
| 5211 | Lumber and Other Building Materials Dealers | \$3.5 |
| 5231 | Paint, Glass, and Wallpaper Stores | \$3.5 |
| 5251 | Hardware Stores | \$3.5 |
| 5261 | Retail Nurseries, Lawn and Garden Supply Stores | \$3.5 |
| 5271 | Mobile Home Dealers | \$6.5 |
| Major Group 53—General Merchandise Stores | | |
| 5311 | Department Stores | \$13.5 |
| 5331 | Variety Stores | \$5.5 |
| 5399 | Miscellaneous General Merchandise Stores | \$3.5 |
| Major Group 54—Food Stores | | |
| 5411 | Grocery Stores | \$13.5 |
| 5422 | Freezer and Locker Meat Provisioners | \$3.5 |
| 5423 | Meat and Fish (Seafood) Markets | \$3.5 |
| 5431 | Fruit Stores and Vegetable Markets | \$3.5 |
| 5441 | Candy, Nut, and Confectionery Stores | \$3.5 |
| 5451 | Dairy Products Stores | \$3.5 |
| 5462 | Retail Bakeries—Baking and Selling | \$3.5 |
| 5463 | Retail Bakeries—Selling Only | \$3.5 |
| 5499 | Miscellaneous Food Stores | \$3.5 |
| Major Group 55—Automotive Dealers and Gasoline Service Stations | | |
| 5511 | Motor Vehicle Dealers (New and Used) | \$11.5 |
| 5521 | Motor Vehicle Dealers (Used Only) | \$11.5 |
| 5531 | Auto and Home Supply Stores | \$3.5 |
| 5541 | Gasoline Service Stations | \$4.5 |
| 5551 | Boat Dealers | \$3.5 |
| 5561 | Recreational and Utility Trailer Dealers | \$3.5 |
| 5571 | Motor cycle Dealers | \$3.5 |
| 5599 | Automotive Dealers, N.E.C. ¹⁰ | \$3.5 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars | Final Rule |
|---|---|--|------------|
| Major Group 56—Apparel and Accessory Stores | | | |
| 5611 | Men's and Boys' Clothing and Furnishings Stores | \$4.5 | |
| 5621 | Women's Ready-to-Wear Stores | \$4.5 | |
| 5631 | Women's Accessory and Specialty Stores | \$3.5 | |
| 5641 | Children's and Infants' Wear Stores | \$3.5 | |
| 5651 | Family Clothing Stores | \$4.5 | |
| 5661 | Shoe Stores | \$4.5 | |
| 5681 | Furriers and Fur Shops | \$3.5 | |
| 5699 | Miscellaneous Apparel and Accessory Stores | \$3.5 | |
| Major Group 57—Furniture, Home Furnishings, and Equipment Stores | | | |
| 5712 | Furniture Stores | \$3.5 | |
| 5713 | Floor Covering Stores | \$3.5 | |
| 5714 | Drapery, Curtain, and Upholstery Stores | \$3.5 | |
| 5719 | Miscellaneous Home Furnishing Stores | \$3.5 | |
| 5722 | Household Appliance Stores | \$4.5 | |
| 5732 | Radio and Television Stores | \$4.5 | |
| 5733 | Music Stores | \$3.5 | |
| Major Group 58—Eating and Drinking Places | | | |
| 5812 | Eating Places (Except Food Services) | \$3.5 | |
| 5812 | Food Services | \$10.0 | |
| 5813 | Drinking Places (Alcoholic Beverages) | \$3.5 | |
| Major Group 59—Miscellaneous Retail | | | |
| 5912 | Drug Stores and Proprietary Stores | \$3.5 | |
| 5921 | Liquor Stores | \$3.5 | |
| 5931 | Used Merchandise Stores | \$3.5 | |
| 5941 | Sporting Goods Stores and Bicycle Shops | \$3.5 | |
| 5942 | Book Stores | \$3.5 | |
| 5943 | Stationery Stores | \$3.5 | |
| 5944 | Jewelry Stores | \$3.5 | |
| 5945 | Hobby, Toy, and Game Shops | \$3.5 | |
| 5946 | Camera and Photographic Supply Stores | \$3.5 | |
| 5947 | Gift, Novelty, and Souvenir Shops | \$3.5 | |
| 5948 | Luggage and Leather Goods Stores | \$3.5 | |
| 5949 | Sewing, Needlework, and Piece Goods Stores | \$3.5 | |
| 5961 | Mail Order Houses | \$12.5 | |
| 5962 | Automatic Merchandising Machine Operators | \$3.5 | |
| 5963 | Direct Selling Establishments | \$3.5 | |
| 5982 | Fuel and Ice Dealers, Except Fuel Oil Dealers and Bottled Gas Dealers | \$3.5 | |
| 5983 | Fuel Oil Dealers | \$6.0 | |
| 5984 | Liquefied Petroleum Gas (Bottled Gas) Dealers | \$3.5 | |
| 5992 | Florists | \$3.5 | |
| 5993 | Cigar Stores and Stands | \$3.5 | |
| 5994 | News Dealers and Newsstands | \$3.5 | |
| 5999 | Miscellaneous Retail Stores, N.E.C. | \$3.5 | |
| Division H—Finance, Insurance, and Real Estate¹¹ | | | |
| Major Group 63—Insurance | | | |
| 6331 | Fire, Marine, and Casualty Insurance | 1,500 | |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars | Final Rule |
|---|---|--|------------|
| Major Group 64—Insurance Agents, Brokers, and Service | | | |
| 6411 | Insurance Agents, Brokers, and Service | \$3.5 | |
| Major Group 65—Real Estate | | | |
| 6515 | Operators of Residential Mobile Home Sites | \$3.5 | |
| | Leasing of Building Space to the Federal Government by Owners ¹² | \$10.0 | |
| Division I—Services | | | |
| Major Group 70—Hotels, Rooming Houses, Camps, and Other Lodging Places | | | |
| 7011 | Hotels, Motels, and Tourist Courts | \$3.5 | |
| 7021 | Rooming and Boarding Houses | \$3.5 | |
| 7032 | Sporting and Recreational Camps | \$3.5 | |
| 7033 | Trailering Parks and Camp Sites for Transients | \$3.5 | |
| 7041 | Organization Hotels and Lodging Houses, on Membership Basis | \$3.5 | |
| Major Group 72—Personal Services | | | |
| 7211 | Power Laundries, Family and Commercial | \$7.0 | |
| 7212 | Garment Pressing, and Agents for Laundries and Dry Cleaners | \$3.5 | |
| 7213 | Linen Supply | \$7.0 | |
| 7214 | Diaper Service | \$7.0 | |
| 7215 | Coin-operated Laundries and Dry Cleaning | \$3.5 | |
| 7216 | Dry Cleaning Plants, Except Rug Cleaning | \$2.5 | |
| 7217 | Carpet and Upholstery Cleaning | \$2.5 | |
| 7218 | Industrial Launderers | \$7.0 | |
| 7219 | Laundry and Garment Services, N.E.C. | \$3.5 | |
| 7221 | Photographic Studios, Portrait | \$3.5 | |
| 7231 | Beauty Shops | \$3.5 | |
| 7241 | Barber Shops | \$3.5 | |
| 7251 | Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops | \$3.5 | |
| 7261 | Funeral Service and Crematories | \$3.5 | |
| 7299 | Miscellaneous Personal Services | \$3.5 | |
| Major Group 73—Business Services | | | |
| 7311 | Advertising Agencies | \$3.5 | |
| 7312 | Outdoor Advertising Services | \$3.5 | |
| 7313 | Radio, Television, and Publishers' Advertising Representatives | \$3.5 | |
| 7319 | Advertising, N.E.C. | \$3.5 | |
| 7321 | Consumer Credit Reporting Agencies, Mercantile Reporting Agencies, and Adjustment and Collection Agencies | \$3.5 | |
| 7331 | Direct Mail Advertising Services | \$3.5 | |
| 7332 | Blueprinting and Photocopying Services | \$3.5 | |
| 7333 | Commercial Photography, Art, and Graphics | \$3.5 | |
| 7339 | Stenographic Services, and Reproduction Services, N.E.C. | \$3.5 | |
| 7341 | Window Cleaning | \$3.5 | |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars | Final Rule |
|--|--|--|------------|
| 7342 | Disinfecting and Exterminating Services | \$3.5 | |
| 7349 | Cleaning and Maintenance Services to Dwellings and Other Buildings, N.E.C. | \$8.0 | |
| 7351 | News Syndicates | \$3.5 | |
| 7361 | Employment Agencies | \$3.5 | |
| 7362 | Temporary Help Supply Services | \$3.5 | |
| 7369 | Personnel Supply Services, N.E.C. ¹³ | \$13.5 | |
| | Base Maintenance | | |
| | Facilities Management ¹⁷ | \$3.5 | |
| 7372 | Computer Programming and Other Software Services | \$2.0 | |
| 7374 | Data Processing Services | \$7.0 | |
| 7379 | Computer Related Services, N.E.C. | \$12.5 | |
| 7391 | Research and Development Laboratories ¹⁴ | 500 | |
| 7392 | Management, Consulting, and Public Relations Services | \$3.5 | |
| 7393 | Detective Agencies and Protective Services | \$6.0 | |
| 7394 | Equipment Rental and Leasing Services | \$3.5 | |
| 7395 | Photofinishing Laboratories | \$3.5 | |
| 7396 | Trading Stamp Services | \$3.5 | |
| 7397 | Commercial Testing Laboratories | \$3.5 | |
| 7399 | Business Services, N.E.C. | \$3.5 | |
| Major Group 75—Automotive Repair, Services, and Garages | | | |
| 7512 | Passenger Car Rental and Leasing, Without Drivers | \$12.5 | |
| 7513 | Truck Rental and Leasing, Without Drivers | \$12.5 | |
| 7519 | Utility Trailer and Recreational Vehicle Rental | \$3.5 | |
| 7523 | Parking Lots | \$3.5 | |
| 7525 | Parking Structures | \$3.5 | |
| 7531 | Top and Body Repair Shops | \$3.5 | |
| 7534 | Tire Retreading and Repair Shops | \$7.0 | |
| 7535 | Paint Shops | \$3.5 | |
| 7538 | General Automotive Repair Shops | \$3.5 | |
| 7539 | Automotive Repair Shops, N.E.C. | \$3.5 | |
| 7542 | Car Washes | \$3.5 | |
| 7549 | Automotive Services, Except Repair and Car Washes | \$3.5 | |
| Major Group 76—Miscellaneous Repair Services | | | |
| 7622 | Radio and Television Repair Shops | \$3.5 | |
| 7623 | Refrigeration and Air Conditioning Service and Repair Shops | \$3.5 | |
| 7629 | Electrical and Electronic Repair Shops, N.E.C. | \$3.5 | |
| 7631 | Watch, Clock, and Jewelry Repair | \$3.5 | |
| 7641 | Reupholstery and Furniture Repair | \$3.5 | |
| 7692 | Welding Repair | \$3.5 | |
| 7694 | Armature Rewinding Shops | \$3.5 | |
| 7699 | Repair Shops and Related Services, N.E.C. ¹⁵ | \$3.5 | |
| Major Group 78—Motion Pictures | | | |
| 7813 | Motion Picture Production, Except for Television | \$14.5 | |
| 7814 | Motion Picture and Tape Production for Television | \$14.5 | |
| 7819 | Services Allied to Motion Picture Production | \$14.5 | |
| 7823 | Motion Picture Film Exchanges | \$14.5 | |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|--|--|--|
| | | Final Rule |
| 7824 | Film or Tape Distribution for Television. | \$14.5 |
| 7829 | Services Allied to Motion Picture Distribution. | \$3.5 |
| 7832 | Motion Picture Theaters, Except Drive-in. | \$3.5 |
| 7833 | Drive-in Motion Picture Theaters. | \$3.5 |
| Major Group 79—Amusement and Recreation Services, Except Motion Pictures | | |
| 7911 | Dance Halls, Studios, and Schools. | \$3.5 |
| 7922 | Theatrical Producers (Except Motion Pictures) and Miscellaneous Theatrical Services. | \$3.5 |
| 7929 | Bands, Orchestras, Actors, and Other Entertainers and Entertainment Groups. | \$3.5 |
| 7932 | Billiard and Pool Establishments. | \$3.5 |
| 7933 | Bowling Alleys. | \$3.5 |
| 7941 | Professional Sports Clubs and Promoters. | \$3.5 |
| 7993 | Coin-operated Amusement Devices. | \$3.5 |
| 7996 | Amusement Parks | \$3.5 |
| 7999 | Amusement and Recreation Services, N.E.C. | \$3.5 |
| Major Group 80—Health Services | | |
| 8011 | Offices of Physicians | \$3.5 |
| 8021 | Offices of Dentists | \$3.5 |
| 8031 | Offices of Osteopathic Physicians. | \$3.5 |
| 8041 | Offices of Chiropractors | \$3.5 |
| 8042 | Offices of Optometrists | \$3.5 |
| 8049 | Offices of Health Practitioners, N.E.C. | \$3.5 |
| 8051 | Skilled Nursing Care Facilities | \$3.5 |
| 8059 | Nursing and Personal Care Facilities N.E.C. | \$3.5 |
| 8062 | General Medical and Surgical Hospitals. | \$3.5 |
| 8063 | Psychiatric Hospitals | \$3.5 |
| 8069 | Specialty Hospitals, Except Psychiatric. | \$3.5 |
| 8071 | Medical Laboratories | \$3.5 |
| 8072 | Dental Laboratories | \$3.5 |
| 8081 | Outpatient Care Facilities | \$3.5 |
| 8091 | Health and Allied Services, N.E.C. | \$3.5 |
| Major Group 81—Legal Services | | |
| 8111 | Legal Services | \$3.5 |
| Major Group 82—Educational Services | | |
| 8299 | Schools and Educational Services, N.E.C. Except Flight Training. | \$3.5 |
| 8299 | Flight Training Services | \$12.5 |
| Major Group 89—Miscellaneous Services | | |
| 8911 | Engineering Services, Except for Military and Aerospace Equipment and Except for Military Weapons. | \$7.5 |
| 8911 | Engineering Services for Military and Aerospace Equipment and for Military Weapons. (Except Marine Engineering). | \$13.5 |
| 8911 | Marine Engineering and Naval Architecture. | \$9.0 |
| 8911 | Architectural Services (Except Naval) and Surveying Services. | \$3.5 |

FINAL RULE SIZE STANDARDS BY SIC
INDUSTRY—Continued

| SIC | Description | Size standards in number of employees or millions of dollars |
|------|---|--|
| | | Final Rule |
| 8931 | Accounting, Auditing, and Bookkeeping Services. | \$4.0 |
| 8999 | Services, N.E.C. | \$3.5 |

¹ Size standards preceded by a dollar sign (\$) are in millions of dollars. All others are in number of employees unless specified otherwise.

² SIC Division D, Manufacturing: "Rebuilding on a factory basis or equivalent." For rebuilding machinery or equipment on a factory basis, use SIC code applicable for new manufactured product. The appropriate size standard is not limited to manufacturers. Ordinary repair services or preservation operations, however, are not considered rebuilding activities.

³ SIC-2033: For purposes of Government procurement for food canning and preserving under SIC-2033, the standard of 500 employees shall be exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

⁴ SIC-2911: For purposes of Government procurement, the firm may not have more than 1500 employees nor may it have more than 50,000 barrels per day capacity. This capacity may be measured in terms of either crude oil or bona fide feedstocks or both, but the sum total of the various petroleum-based inputs into the process may not exceed 50,000 barrels. In addition to the direct owned capacity of the concern in question, counted capacity will include any leased facilities or any facilities made available to the concern under an arrangement such as (but not limited to) an exchange agreement or a throughput or other form of processing agreement (whereby another party processes the concern's own crude or feedstocks). Such an arrangement would have the same effect as though such facilities had been leased, and this would have to be included in the concern's own capacity. The total product to be delivered in the performance of the contract must be at least 90 percent refined by the successful bidder from either crude oil or bona fide feedstocks.

⁵ SIC-3011: For purposes of Government procurement, a firm is small for bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112, provided that (1) the value of tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the previous calendar year is more than 50 percent of the value of its total worldwide manufacture, (2) the value of pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during said period, and (3) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

⁶ SIC-4212: The component "Garbage and Refuse, Collecting and Transporting; Without Disposal" shall have a size standard of \$6.0 million. This is the same size standard as SIC-4953, *Refuse Systems*.

⁷ Offshore Marine Services: The applicable size standard shall be \$14 million for firms furnishing specific transportation services to concerns engaged in offshore oil and/or natural gas exploration, drilling production or marine research; such services encompass passenger and freight transportation, anchor handling, and related logistical services to and from the work site or at sea.

⁸ SIC-4521: Includes passenger or cargo transportation requiring the use of one or more helicopters or fixed-wing aircraft. For other services requiring the use of one or more helicopters or fixed-wing aircraft, a size standard of \$6.5 million shall apply. This does not include offshore marine transportation services as defined in footnote 7.

⁹ SIC-4953: "Garbage and Refuse, Collecting and Transportation; Without Disposal," a component of SIC-4212, has the same size standard as SIC-4953.

¹⁰ SIC-5599: For retail firms whose principal line of business is the retail sale of aircraft, a \$5 million size standard shall apply.

¹¹ Most industries in Division H—Finance, Insurance, and Real Estate—are excluded from SBA assistance.

¹² Leasing of building space to the Federal Government by owners—For the purpose of Government procurement, a size standard of \$10 million in gross receipts is established for owners of building space that is leased to the Federal Government. The standard for these procurements shall apply to the owner of the property and not to those acting as an agent for the owner. There is no size standard concerning the agent.

¹³ If one of the activities in base maintenance, as defined in SIC-7369, can be identified with a separate industry, and that activity (or industry) accounts for 50 percent or more of the value of an entire contract, then the proper size standard shall be that for the particular industry, and not the base maintenance size standard.

"Base maintenance" constitutes three or more separate activities. These activities may be either service or special trade construction related activities. As services, these activities must each be in a separate industry. These activities may include but are not limited to such separate maintenance activities as *Janitorial and Custodial Service, Protective Guard Service, Commissary Service, Fire Prevention Service, the Safety Engineering Service, Messenger Service, and Grounds Maintenance and Landscaping Service*. If the contract involves the use of special trade contractors (plumbing, painting, plastering, carpeting, etc.), all such specialized special trade construction activities will be considered a single activity, which is *Based Housing Maintenance*. This is only one activity of base maintenance and two additional activities must be present for the contract to be considered base maintenance. The size standard for Base Housing Maintenance is \$7 million, the same size standard as for Special Trade Contractors.

¹⁴ SIC-7391: For research and development contracts requiring the delivery of a manufactured product, the size standard to use is that of the manufacturing industry in which the specific product is classified.

Research and Development, as defined in the *SIC Manual*, means laboratory or other physical research and development on a contract or fee basis. Research and development for purposes of size determinations does not include the following: economic, educational, engineering, operations, systems or other nonphysical research; or computer programming, data processing, commercial and/or medical laboratory testing.

For purposes of the SBIR program only, a different definition has been established by law. See Part 121.7.

¹⁵ Contracts for the rebuilding or overhaul of aircraft ground support equipment on a contract basis will be classified under SIC-3728.

¹⁶ To be considered small, a firm must perform the dredging of at least 40 percent of the yardage with its own dredging equipment or equipment owned by another small dredging concern.

¹⁷ *Facilities Management*, a component of SIC-7369, has the following definition: Establishments, not elsewhere classified, which provide overall management and the personnel to perform a variety of related support services in operating a complete facility, in or around a specific building, or within another business or government establishment. Facilities management means furnishing three or more personnel supply services which may include but are not limited to: secretarial services, typists, telephone answering, reproduction or mimeograph services, mailing services, financial or business management, public relations, conference planning, travel arrangements, word processing, maintaining files and/or libraries, switchboard operation, writers, bookkeeping, minor office equipment maintenance and repair, use of information systems (not programming), etc.

§ 121.3 General definitions.

(a) *Affiliates*: Concerns, other than investment companies licensed, or state development companies qualifying under the Small Business Investment Act of 1958 and the regulations issued pursuant thereto, or investment companies registered under the Investment Company Act of 1940, are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other or (2) a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: Provided, however, That restraints imposed on a franchise by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(i) *Nature of Control*. Every business concern is considered as having one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is

exercised so long as the power to control exists.

Example. A party owning 50 percent of the voting stock of a concern would have negative power to control such concern since he can block any action of the other stockholders. Also, the bylaws of a corporation may permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders. Affiliation exists when one or more parties have the power to control a concern while at the same time another party or other parties, may be in control of the concern at the will of the party with the power to control.

(ii) *Meaning of "party or parties."* The term "party" or "parties" includes, but is not limited to, two or more persons with an identity of interest such as members of the same family or persons with common investments in more than one concern. In determining who controls or has the power to control a concern, persons with an identity of interest may be treated as though they were one person.

(iii) *Control through stock ownership.* (A) A party is considered to control or have the power to control a concern if he controls or has the power to control 50 percent or more of its voting stock.

(B) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each owns, controls or has the power to control less than 50 percent of the voting stock of a concern and such minority block is (1) equal or substantially equal in size, and (2) large as compared with any other block outstanding, there is a presumption that each such party controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(C) If a concern's voting stock is distributed other than as described above, its management (officers and directors) is deemed to be in control of such concern.

Example. In a corporation where the officers and directors own various size blocks of stock totalling 40 percent of a concern's voting stock, but no officer or director has a block sufficient to give him control or the power to control and the remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control.

(iv) *Stock options, convertible debentures, and agreements to merge.*

Stock options and convertible debentures exercisable at the time or within a relatively short time after a size determination and agreements to merge in the future are considered as having a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are treated as though the rights held thereunder had been exercised.

Example. If company "A" holds an option to purchase a controlling interest in company "B" and such option can be exercised at any time by company "A," the situation is treated as though company "A" had exercised its rights and had become owner of a controlling interest in company "B." Further, if company "A" has entered into an agreement to merge with company "B" in the future, the situation is treated as though the merger had taken place.

(v) *Voting trusts.* If the purpose of a voting trust, or similar agreement is to separate voting power from beneficial ownership of voting stock for the purpose of shifting control of or the power to control a concern in order that such concern or another concern may qualify as a small business within the size regulations, such voting trust shall not be considered valid for this purpose regardless of whether it is or is not valid within the appropriate jurisdiction. However, if a voting trust is entered into for a legitimate purpose other than that described above, and it is valid within the appropriate jurisdiction, it may be considered valid for the purpose of a size determination, provided such consideration is determined to be in the best interest of the small business program.

(vi) *Control through common management.* A concern may be found as controlling or having the power to control another concern when one or more of the following circumstances are found to exist, and it is reasonable to conclude that under the circumstances, such concern is directing or influencing or has the power to direct or influence the operation of such other concern.

(A) *Interlocking management.* Officers, directors, employees, or principal stockholders of one concern serve as a working majority of the board of directors or officers of another concern.

(B) *Common facilities.* One concern shares common office space and/or employees and/or other facilities with another concern particularly where such concerns are in the same or related industry or field of operation, or where such concerns were formerly affiliated.

(C) *Newly organized concern.* Former officers, directors, principal stockholders, and/or key employees of

one concern organize a new concern in the same or a related industry or field of operation, and serve as its officers, directors, principal stockholders, and/or key employees, and one concern is furnishing or will furnish the other concern with subcontracts, financial or technical assistance, and/or other facilities, whether for a fee or otherwise.

(vii) *Control through contractual relationships.* (A) *Definition of a joint venture for size determination purposes.* A joint venture for size determination purposes is an association of persons and/or concerns with interests in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single specific business venture for joint profit for which purpose they combine their efforts, property, money, skill, or knowledge, but not on a continuing or permanent basis for conducting business generally. A joint venture is viewed as a business entity in determining power to control its management.

(B) *Joint ventures—financial assistance.* For the purpose of financial assistance to a joint venture, the parties thereto are considered as controlling or having the power to control each other and are considered as being affiliated. For the purpose of financial assistance to a concern which has requested assistance for its own use, but which is incidentally a party to a joint venture, such concern is not considered as being affiliated with its joint venturer.

(C) *Joint venture—procurement and property sale assistance.* Concerns bidding on a particular procurement or property sale as joint venturers are considered as affiliated and controlling or having the power to control each other with regard to performance of the contract. Moreover, an ostensible subcontractor which is to perform primary or vital requirements of a contract may have a controlling role such to be considered a joint venturer affiliated on the contract with the prime contractor. A joint venture affiliation finding is limited to particular contracts unless the SBA size determination finds general affiliation between the parties.

(D) Where a concern is not considered as being an affiliate of a concern with which it is participating in a joint venture, it is necessary, nevertheless, in computing annual receipts, etc., for the purpose of applying size standards to include such concern's share of the joint venture receipts (as distinguished from its share of the profits of such venture).

(E) *Franchise and license agreements.* If a concern operates or is to operate under a franchise (or a license) agreement, the following policy is

applicable: In determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, the restraints imposed on a franchisee by its franchise agreement shall not be considered provided that the franchisee has the right to profit from its effort and the risk of loss or failure, commensurate with ownership. Even though a franchisee may not be controlled by the franchisor by virtue of the contractual relationship between them, the franchisee may be controlled by the franchisor or others through common ownership or common management, in which case they would be considered as affiliated.

(b) "Concern" means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with a place of business located in the United States and which makes a significant contribution to the U.S. economy through payment of taxes and/or use of American products, material and/or labor, etc. "Concern" includes but is not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see subsection (a) of this section) any business entity whether organized for profit or not, and any foreign business entity, i.e., any entity located outside the United States, shall be included.

(c) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

§ 121.4 Small business for financial programs.

(a) The provisions within this section apply to the determination of the size of a firm for purposes of eligibility for SBA financial assistance, which includes the following SBA programs: Financial and Guarantee Assistance, Small Business Investment Companies, Development Companies, Surety Bond Guarantees, Pollution Control Financing Guarantees, and Minority Small Business and Capital Ownership Development, including the section 8(a) program. Such size eligibility is determined with reference to the size standard for the primary industry of the concern (including any affiliates) under the SIC

code size standards in the table contained in § 121.2. The size standards are generally expressed in terms of four-digit industries set forth in the Standard Industrial Classification Manual. In addition to meeting the size standards of this regulation, a small business concern must be not dominant in its field of operation. (See § 121.3(c).) If a concern is engaged in a number of industries (or including its affiliates is engaged in several industries), the size standard shall be that of the concern's (or concerns') primary industry. The primary industry determination considers the distribution among industries during the most recent fiscal year and 12 month period of receipts and employees of the concern (or of an entire affiliated group if the group in its entirety has a different primary industry). The determination may also consider other factors (e.g., patents, contract awards, assets).

(b) After the appropriate size standard is ascertained, the eligibility of the concern under that size standard must be considered. In determining whether a concern is eligible under its applicable primary industry size standard, employees or receipts (or other size measurement under subsection (e) of this section, e.g., net worth) of the concern and its affiliates must be aggregated. (Section 121.3(a) sets forth the SBA affiliation definition.)

(c) A concern which applies for an SBA loan or guarantee to refinance an existing SBA loan or guarantee but which, since the date of the original financing, has by natural growth (as distinguished from, e.g., merger) grown to a size which exceeds the applicable size standard, is considered as small for the purpose of refinancing if SBA administratively determines that refinancing is necessary to protect the Government's financial interest.

(d) The concern's size status may be determined at the SBA District Office, the SBA Regional Office, or by any other SBA office or financial institution appropriately designated. The determination may be made at the time of application for assistance. The concern's size eligibility is determined as of the time of its application or self-certification as small by the concern. Except for firms participating in the section 8(a) program, subsequent changes in size will not affect a firm's size status.

(e) The applicable size standards for the purpose of all SBA financial and guarantee programs excluding the Section 8(a) Program and the Surety Bond Guarantee Assistance Program, are increased by 25 percent whenever

the concern agrees to use the assistance within a "labor surplus area," or "redevelopment area." "Redevelopment area" is defined in the Public Works Economic Development Act of 1965 (Pub. L. 89-136, 79 Stat. 570, 42 U.S.C. 3211). "Labor surplus areas" are listed monthly in the Department of Labor publication "Area Trends."

(f) A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies, or pollution control guarantee assistance, is one which: (1) Together with its affiliates, does not have net worth in excess of \$6 million, and does not have an average net income after Federal income taxes for the preceding 2 years in excess of \$2 million (average net income to be computed without benefit of any carryover loss); or (2) a concern is also eligible for these programs if it otherwise qualifies under this section as a small business concern for financial assistance.

(g) For purposes of the Minority Small Business and Capital Ownership Development Assistance (section 8(a)) program,

(1) In order to be eligible to participate in the section 8(a) program, an applicant concern must qualify as a small business concern as defined for purposes of Government procurement in § 121.2 of these rules. The particular size standard to be applied will be based on the primary industry classification of the applicant concern.

(2) In order to continue to participate in the section 8(a) program once a concern is admitted to the program, the concern must certify to SBA that it is a small business for the purpose of performing each individual contract which it is awarded. SBA, in turn, will verify such certifications.

(h) For purposes of surety bond guarantee assistance,

(1) Any construction concern (general or special trade) is small if its annual receipts average for its preceding three fiscal years does not exceed \$5 million.

(2) Any concern performing a contract for services (including but not limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual) is small if its annual receipts average for its preceding three fiscal years does not exceed \$3.5 million.

(3) For other surety bond guarantee assistance, the provisions of § 121.4 (a) and (b) are applicable in determining eligibility as a small business concern.

§ 121.5 Small business for Government procurement.

(a) A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. The size status of a concern (including its affiliates) is determined as of the date of written self-certification as a small business as part of a concern's submission of a bid or offer. An opinion rendered by SBA to a contracting officer on the basis of published or commonly known information and without the benefit of an SBA inquiry, is not considered an SBA size determination.

(b)(1) The procurement is classified for size standard purposes in the most appropriate SIC code industry category (§ 121.2); giving consideration to the industry descriptions in the regulation and the SIC Manual, the product or service description in the solicitation and attachments thereto, the relative value of items in the procurement and the principal nature of the procurement. In borderline cases, consideration may be given to previous Government procurement classifications of the same or similar products or services, additional information on the industries and on the product or service being procured, and to evaluations on which industry classification would best serve the purposes of the Small Business Act. A concern which is bidding on a contract for a procurement in an SIC industry under § 121.2 must meet the size standard designated for that industry. The size standard and SIC industry designation are set forth in the solicitation.

(2) Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is deemed to be a small business when:

(i) In the case of Government procurement reserved (i.e., set aside) for small businesses, such nonmanufacturer must furnish, in the performance of the contract, the product of a small business manufacturer or producer, which end product must be manufactured or produced in the United States. The term "nonmanufacturer" includes a concern which can manufacture or produce the product referred to in the specific procurement but does not do so in connection with that procurement. For size determination purposes there can be only one manufacturer of the end item being procured. The manufacturer of the end item being procured is the concern which, with its own forces,

transforms inorganic or organic substances including raw materials and/or miscellaneous parts or components into such end item. Whether a bidder on a particular procurement is the manufacturer or a nonmanufacturer for the purpose of a size determination need not be consistent with whether such concern is or is not a manufacturer for the purpose of the Walsh-Healey Act.

(ii) A concern which purchases items and packages them into a kit is considered to be a nonmanufacturer small business and can qualify as such for a given procurement if it meets the size qualifications of a small nonmanufacturer for the procurement and if more than 50 percent of the total value of the kit and its contents is accounted for by items manufactured by small business.

(iii) If the procurement is subject to, and is actually processed under, "small purchase procedures" as defined in the Defense Acquisition Regulation (DAR), Federal Procurement Regulation (FPR), and the National Aeronautics and Space Administration Procurement Regulation (NASAPR), as applicable, such nonmanufacturer may furnish any domestically produced or manufactured product.

(iv) For the purpose of receiving a Certificate of Competency on an unrestricted procurement, a small business nonmanufacturer may furnish any domestically produced or manufactured product. The applicable size standard shall be that of the wholesale industry of the item being procured.

(c) If a procurement calls for two or more items with different size standards and the bidder can bid on any items, the bidder must meet the size standard for each item for which it submits a bid. If the procurement calls for more than one item and a bidder is required to bid on all items, the bidder can qualify as small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract value.

(d) The determination of the appropriate classification of a product or service shall be made by the contracting officer of the procuring agency or his authorized representative. Both the SIC industry classification and the applicable size standard (number of employees, average annual receipts, etc.), shall be set forth in the solicitation and such determination of the contracting officer shall be final unless appealed to SBA in the manner provided in § 121.11; provided, however, that an unclear or incomplete classification action by the contracting officer may be supplied by the SBA if necessary in

connection with a size determination or size appeal.

(e) In the submission of a bid or proposal on a Government procurement, a concern which meets the designated size standard and which either has not been determined by SBA to be ineligible under the same or a lower size standard, or has been determined to be ineligible but subsequently has been recertified by SBA, may represent that it is a small business concern within the size standard designated for the procurement. In the absence of a written protest by other bidders or other credible information which would cause a contracting officer to question the veracity of the self-certification, a contracting officer shall accept the self-certification at face value for the particular procurement involved. The contracting officer shall refer written protests to SBA; and, if he has cause, may refer his own protest to SBA for a size determination. The protest should provide specific factual reasons enabling the protested concern to respond to the particular allegations that it is not a small business concern within the size standard applicable to the procurement.

(f) If a concern has been determined by SBA to be ineligible as a small business under a particular size standard, and it has already self-certified as a small business on a pending procurement subject to the same or lower number of employees or annual receipts size standard (whichever is applicable), it shall immediately notify the contracting officer of such adverse size determination.

(g) For subcontracting purposes pursuant to Section 8(d) of the Small Business Act, a concern is small

(1) In connection with subcontracts of \$10,000 or less which relate to Government procurements if, including its affiliates, its number of employees does not exceed 500 persons; and

(2) In connection with subcontracts exceeding \$10,000 which relate to Government procurements if its number of employees or average annual receipts, (including its affiliates), does not exceed the size standard under § 121.2 for the product or service it is providing on the subcontract. Concerns may self-certify their status as a small subcontractor for the procurement.

(3) The contracting officer or other affected party in connection with small business subcontracting requirements, pursuant to section 8(d) of the Small Business Act, may protest a written representation of small business status, or the refusal to accept such written

representation, of a concern offering as a subcontractor on a particular procurement. The protest and related information shall be referred to the SBA Regional Office in which the concern has its principal office for a size determination or other appropriate SBA action.

§ 121.6 Small business for sales or lease of Government property.

In the submission of a bid or proposal for the purchase or lease of Government-owned property, a small business concern is one which meets the criteria provided in this section. The size status of a concern (including its affiliates) is determined as of the date of written self-certification as a small business as part of a concern's submission of a bid or offer. An opinion rendered by SBA to a contracting officer on the basis of published or commonly known information and without the benefit of an SBA inquiry is not considered an SBA size determination. In the absence of a written protest by other bidders or other credible information which would cause a contracting officer to question the veracity of a concern's self-certification as a small business, a contracting officer shall accept the self-certification at face value. The contracting officer shall refer written protests to SBA; and, if he has cause, may refer his own protest to SBA for a size determination. The protest should provide specific factual reasons enabling the protested concern to respond to the particular allegations that it is not a small business concern for the sale or lease on which protested. If a concern has been determined by SBA to be ineligible under the applicable size standard and has not been recertified, it shall not self-certify under that size standard until it has been recertified by SBA; and shall immediately notify the contracting officer on any pending sales or leases where it had self-certified under the same size standard.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property other than timber is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria.

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911,

Petroleum Refining,² is small if its number of employees does not exceed 1,500 persons and it does not have more than 45,000 barrels per day crude oil or bona fide feed stock capacity from owned and/or leased facilities, or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined-product-for-refined-product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in paragraph (a)(3) of this section) is small if its average annual receipts for its preceding 3 fiscal years do not exceed \$2 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its annual receipts for its preceding 3 fiscal years do not exceed \$42 million.

(b) *Sales of Government-owned timber.* (1) In connection with sale of Government-owned timber, a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;³

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of paragraph (b)(1) of this section, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than 30 percent (50 percent in Alaska) of such timber. The term "sell" includes but is not limited to the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment, and an indirect transfer such as the sale of the assets of (or a controlling interest in) a concern after it has been awarded one

² See § 121.2 (footnotes) for definition of crude oil capacity and bona fide feed stock capacity.

³ "Forest Products Industry" means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw material.

or more set-aside sales of timber. Under the latter circumstances, if, after being awarded a set-aside sale of timber a small business concern merges with or becomes subject to the control of a large business, so much of such timber (or sawlogs therefrom) shall be sold to one or more small businesses as is necessary for compliance with the 30 percent (50 percent in Alaska) restriction.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in paragraph (b)(1) of this section, and

(ii) It agrees that in manufacturing lumber or timbers from such sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under paragraph (b)(1) of this section as a small business. This provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self-certifies as a small business concern for the purpose of award under a small business set-aside sale of Government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in the form of sawlogs, but is to be manufactured into lumber or timbers by a concern other than the bidder, the bidder must maintain records to show the name, address, and the size status of the concern manufacturing the sawlogs into lumber or timbers.

(c) *Special salvage timber sales.* (1) In connection with sale of Government-owned special salvage timber, designated by the USFS as SSTs, a small business is a concern that:

(i) Is primarily engaged in the logging or forests products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 25 persons during any pay period for the last 12 months.

(2) In the case of Government-owned special salvage timber reserved for or involving preferential treatment of small businesses, restricting the disposal of timber and, when the special salvage timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of paragraph (c)(1) of this section, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of paragraph (b)(1) of this section more than 30 percent of such timber (50 percent in Alaska). The term "sell" includes but is not limited to the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment, and an indirect transfer such as the sale of the assets of (or a controlling interest in) a concern after it has been awarded one or more set-aside sales of timber. Under the latter circumstances, if, after being awarded a set-aside sale of timber a small business concern merges with or becomes subject to the control of a large business, so much of such timber (or sawlogs therefrom) shall be sold to one or more small businesses as is necessary for compliance with the 30 percent (50 percent in Alaska) restriction.

(iii) It agrees that as an eligible logger, it will accomplish a significant portion of the logging operation, exclusive of hauling, with its own employees. Significant logging of timber means using its own employees to accomplish two or more of the following elements: (A) felling and bucking, (B) yarding, (C) loading. It further agrees that such SSTS sale logging elements not accomplished with its own employees will be subcontracted only to concerns eligible for preferential award of an SSTS sale.

(3) In the case of Government-owned salvage timber reserved for or involving preferential treatment of small businesses, restricting the disposal of timber, and when the special salvage timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when

(i) It meets the criteria contained in paragraph (c)(1) of this section, and

(ii) It agrees that it will manufacture a significant portion of the logs with its

own employees. Manufacture of logs means, at a minimum, a breakdown of the log into the rough cut of the finished product. This provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self-certifies as a small business concern for the purpose of award under a small business set-aside sale of Government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchases to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in the form of sawlogs but is to be manufactured into lumber or timbers by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timbers.

(iii) It further agrees that it will accomplish the logging of SSTS timber, exclusive of hauling, with its own employees, or will subcontract such logging only to concerns eligible for preferential award of an SSTS sale.

(4) In the case of Government-owned special salvage timber reserved for or involving preferential treatment of small businesses, the special salvage timber may be disposed of without restriction when there are less than two qualified mills in the market area.

(d) Any firm bidding to lease Government land for purposes of coal mining is classified as small if:

(1) It is independently owned and operated;

(2) It is not dominant in its field of operation;

(3) Together with its affiliates, its number of employees does not exceed 250 persons;

(4) It maintains management and control of the actual mining operations at the tract; and

(5) Any transfer of the lease from the holder of the original setaside must be to another small business within the meaning of this paragraph.

(e) In the submission of a bid or proposal for a Government lease of uranium prospecting or mining rights, a concern whose number of employees does not exceed 100 persons may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular lease involved.

§ 121.7 Small Business Innovation Research Programs.

(a) A small business concern for purposes of award of any funding agreement under a solicitation pursuant to the Small Business Innovation Development Act of 1982 (Pub. L. 97-291, 15 U.S.C. 638(e)-(k)) is one which, including its affiliates, has a number of employees not exceeding 500. The term "affiliates" is defined in § 121.3(a) of this title. The term "number of employees" is defined in § 121.2(b) of this title.

(b) The Small Business Innovation Development Act of 1982 defines "research" or "research and development" as any " . . . activity which is (1) a systematic, intensive study directed toward greater knowledge or understanding of the subject studies; (2) a systematic study directed specifically toward applying new knowledge to meet a recognized need; or (3) a systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement or prototypes and new processes to meet specific requirements"—15 U.S.C. 638, as amended by 96 Stat. 218, Sec. 4(e)(5).

(c) SBA has issued a policy directive (Policy Directive No. 65-01; 47 FR 52966, November 24, 1982) prescribing criteria for solicitations and award of funding agreements pursuant to the Small Business Innovation Research (SBIR) Program. Under SBIR program, the term "funding agreement" means any contract, grant, or cooperative agreement entered into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government.

§ 121.8 Size determinations.

(a) Original size determinations shall be made by the regional director, or his delegatee, serving the region in which the principal office of the concern (not including its affiliates) whose size is in question is located, except that for lease

guarantee reinsurance purposes such determinations shall be made by the Associate Administrator for Finance and Investment. The regional director or his delegatee, or the Associate Administrator for Finance and Investment promptly shall notify in writing, by certified mail, return receipt requested, the concern in question and other interested persons of his decision. Such determination shall become effective immediately and shall remain in full force and effect unless and until reversed by the Small Business Administration. For the purpose of Government procurements or sales, a size determination shall be made only in the event of a protest pursuant to these regulations, a request for recertification, a request for a Certificate of Competency, or if the Associate Administrator for Procurement Assistance or his delegatee or a regional director or his delegatee determines it necessary to question the size status of a concern for the purpose of any Small Business contracting program or Procurement Source Program, or for property sales purposes or for any other purpose relating to Government procurement or sales. For the purpose of SBA financial assistance, a formal size determination under this provision shall be made by the Regional Office only (1) where the regular review of the loan file or other substantial evidence indicates the need therefor and a request is made by the appropriate SBA financial assistance official, or (2) where an initial determination is made by the SBA financial assistance officer that the concern is other than small and a request is made by the loan applicant. Initial nonformal financial assistance size determinations may not be appealed.

(b) Once properly instituted (i.e., by filing of a protest or by an official request for a determination) formal size determinations may be completed, even if the particular application, bid, or offer is subsequently withdrawn, or the Government procurement or sale is cancelled or awarded.

(c) The size determination will be based primarily on facts and allegations supplied by the parties to the SBA. If deemed necessary or appropriate SBA may utilize other information in its files and may make inquiries including requests to the parties or other persons for additional specific information. The burden of establishing its small business size by submitting full information to SBA shall be upon the concern whose size status is under consideration. Specific signed factual evidence will be weighed more heavily by SBA than

general unsupported allegations or opinions. In the case of refusal or failure to furnish requested information within a required time period, SBA may assume that disclosure would be contrary to the interests of the party failing to make disclosure. The SBA formal size determination shall be based upon the record, including reasonable inferences therefrom, and shall state in writing the basis for its findings and conclusions.

(d) If SBA has made a formal size determination that a particular concern is not small, the concern will not be deemed eligible within such applicable size standard for any assistance under the Small Business Act or the Small Business Investment Act of 1958, unless it is thereafter recertified by SBA as a small business. After such an adverse size determination, the concern shall not self-certify itself as small within the same or a lower employee or annual receipts size standard (whichever is applicable) unless it is recertified. Applications for recertification shall be made to the SBA Regional Office which made the original size determination. Applications for recertification shall be accompanied by a current completed SBA Form 355 (OMB No. 3245-0101) and by any other pertinent information necessary to show a significant change in its ownership, management, contractual relations, or in other factors bearing on its status as a small concern. If good cause is shown in extraordinary cases, as determined by the Presiding Judge of the Office of Hearings and Appeals, the original decision on the application for recertification may be made by the Presiding Judge.

(1) Recertification shall not be required nor will the prohibition against future self-certification apply if the adverse SBA size determination is based solely on a finding of affiliation due to a joint venture (e.g., ostensible subcontracting) limited to a particular Government procurement or property sale, or is based on an ineligible nonmanufacturer size determination on a particular Government procurement.

(2) If SBA makes a size determination denying an application for recertification, such adverse size determination may be appealed to the SBA Office of Hearings and Appeals. Recertifications have future effect only and, except as to timber sales size determinations, are not appealable by other than the concern in question (however, the concern's later self-certification on subsequent set-aside procurements or property sales may be protested in the usual manner).

(e) Size determinations for compliance purposes. Upon request by other

Government agencies, SBA size determinations under Part 121 may be made to assist in the enforcement or administration of regulations or contracts, as well as in connection with award of contracts or granting of assistance. SBA size determinations are findings on the size status of a concern (including its affiliates) as of a definite time and regarding a specific applicable SBA size standard, and do not rule on compliance, contractual or administrative matters which are handled by the other agencies.

§.121.9 Protest of small business status.

(a) *How to protest:* Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular Government procurement or sale. Such challenge shall be made by delivering a protest to the contracting officer responsible for the particular procurement or sale involved. In order to apply to the procurement or sale in question, such protest must be filed prior to the close of business on the 5th day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements, a protest may be filed within 5 days exclusive of Saturdays, Sundays, and legal holidays after receipt from the contracting officer of notification of the identity of the offeror being protested. Such filing must be delivered to the contracting officer by hand, telegram, or mail within the 5-day period allotted. *Provided, however,* That a protest shall be considered timely if made by telephone to the contracting officer within the 5-day period allotted and the contracting officer thereafter receives a confirming letter (1) within such 5-day period or (2) postmarked no later than 1 day after the date of such telephone protest. Any contracting officer who receives a protest shall promptly forward such protest to the SBA regional office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. A contracting officer may at any time after bid opening question the small business status of any bidder or offeror for the purpose of a particular procurement or sale by filing a protest with the SBA regional office serving the area in which the principal office of the protested concern, not including its affiliates, is located. A protest by a contracting officer shall be timely for the purpose of the procurement or sale in question whether filed before or after award. A protest received after the time limits set forth herein shall not apply to the

procurement or sale in question. A concern determined other than small business as a result of such late protest, however, shall be precluded from self-certification in any other procurement or sale in which the size standard is not higher than the standard in the procurement or sale in question. A protest must adequately set forth specific alleged grounds for the protest. A protest merely alleging that the protested concern is not small or is affiliated with unspecified other concerns will not be deemed to adequately specify grounds for the protest. Evidence supporting the protest may be submitted therewith. Protests which do not set forth specific alleged grounds for the protest will be dismissed.

(b) *Notification of protest:* Upon receipt of such protest, the SBA regional director or his delegatee shall immediately notify the contracting officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The regional director or his delegatee shall also advise the protested bidder or offeror of the receipt of the protest and shall forward to the protested bidder or offeror a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination (OMB No. 3245-0101), by certified mail, return receipt requested. Such bidder must, within 3 working days after receipt of the copy of the protest and SBA Form 355 (OMB No. 3245-0101), file the completed form as directed by SBA, must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position. If such bidder or offeror does not submit the complete SBA Form 355 within the billing period provided above, or within any additional period of time granted by SBA for cause, SBA will rule the protested concern is other than a small business. If the bidder or offeror does not submit the completed SBA Form 355 (OMB No. 3245-0101) within the period provided above, or within any additional period of time provided by SBA upon application for good cause shown, SBA may assume that the disclosure of the Form or any missing part thereof would be contrary to the interests of the party failing to make such disclosure.

(c) *Notification of determination:* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offeror and, by certified mail, return receipt requested, notify the contracting

officer, the protestant, and the protested bidder or offeror of its decision within 10 working days, if possible.

(d) If SBA has determined that a concern is ineligible as a small business for the purpose of a particular procurement, it cannot thereafter become eligible for the purpose of such procurement by taking affirmative acts to constitute itself a small business.

(e) *Multiple Award Schedules.* Protests will be deemed timely if received by SBA at any time prior to the expiration of the contract period (including renewals) on a multiple award schedule procurement set aside for small business.

§ 121.10 Size standards responsibilities.

(a) Office of Size Standards Staff, Office of the Administrator, shall:

(1) Develop and recommend small business size standards to the Administrator of SBA for promulgation.

(2) Consider and take appropriate action on written requests to change existing size standards or establish new size standards.

(3) Conduct industry hearings pertaining to size standards.

(4) Perform other related functions (e.g., industry studies) as may be appropriate to administer the SBA size standards program.

(b) Requests to change the existing, or establish new, size standards should be addressed to the Director, Size Standards Staff, Office of the Administrator, 1441 L Street, NW., Washington, D.C. 20416, and should include information on the economic conditions and structure of the entire national industry, as well as specific reasons and justifications for the change or new size standard. The methodology described in the section on "Purpose and Method of Establishing Size Standards" (§ 121.1) provides basic criteria on the kinds of information desirable to make an appropriate request. If no size standard of an industry has been established in this part, then SBA, upon request, may issue a temporary size standard for the industry in question by appropriate publication of an interim emergency rule and subsequent notice and comment rulemaking in accordance with the Administrative Procedure Act.

(c) The Office of General Counsel, in conjunction with other interested SBA offices, shall develop and recommend to the Administrator regulations and procedures to assist in implementing the size standards.

(d) The SBA Size Policy Board shall consider and develop matters of size policy. It will consider and make recommendations relating to

improvements in SBA regulations, procedures and directives concerning size matters.

(e) Pursuant to the provisions of § 121.11 of this Part, the Office of Hearings and Appeals will review appeals and make final decisions affirming, reversing or modifying:

(1) Determinations as to a concern's small business size status made pursuant to §§ 121.8 and 121.9 of this Part (size determination); and

(2) Designations by contracting officers of the Standard Industrial Classification (SIC) industry into which the product or service is classified and/or the Small Business Administration size standard applicable thereto, for the purpose of Government procurements and sales made pursuant to §§ 121.5 and 121.6 (product or service classification).

§ 121.11 Procedure for size appeals.

(a) *Jurisdiction of Office of Hearings and Appeals.* The jurisdiction of the Office of Hearings and Appeals under this Part shall be limited, as specified in subparagraphs (1) and (2) of this paragraph, to appeals from size determinations and product or service classifications. No appeal will be permitted from an informal opinion or advice concerning a company's future small business size status based on proposed but unexecuted changes in its organization, management, or contractual relations, or a small business size standard established by the Small Business Administration for a particular industry or field of operation, or any of the accompanying size regulations. The Office of Hearings and Appeals will review appeals and make final decisions pursuant to the provisions of paragraphs (b) through (w) of this section, affirming, reversing or modifying:

(1) Determinations as to a concern's small business size status made pursuant to §§ 121.8 and 121.9 of this part (size determination); and

(2) Classifications by contracting officers of the Standard Industrial Classification (SIC) code and/or the Small Business Administration (SBA) size standard applicable to a product or service for the purpose of government procurements and sales made pursuant to §§ 121.4 and 121.5 of this part (product or service classification).

(b) *Definitions.* The following definitions shall apply to this section:

(1) "Person" means an individual, partnership, corporation or association.

(2) "Participant" means any party or person that makes a filing pursuant to

this section. Except in the case of parties, participation in the proceeding may be limited at the discretion of the Presiding Judge.

(3) "Party" means the appellant, the concern whose size is at issue and all alleged affiliates of such concern that participate or are specifically afforded the opportunity to participate in the proceeding by the Presiding Judge, the contracting officer in a product or service classification appeal, and any other participant so designated at the discretion of the Presiding Judge. Parties will have full rights of participation in the proceeding and will be bound by the decision of the panel.

(c) *Who May Appeal.* Appeals from size determinations and product or service classifications may be filed with the Office of Hearings and Appeals by any of the following:

(1) Any interested person that has been adversely affected by a determination of a Regional Administrator, or his or her delegatee, or by the Associate Administrator for Finance and Investment made pursuant to § 121.4 of this part;

(2) Any interested person that has been adversely affected by a classification of a product or service by a contracting officer made pursuant to § 121.5 of this part; or

(3) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(d) *Where to Appeal.* Written Notices of Appeal conforming to paragraph (f) of this section, may be mailed to the Office of Hearings and Appeals, Small Business Administration, Washington, D.C. 20416, or may be personally delivered to the Office of Hearings and Appeals at 2100 K Street, NW., Washington, D.C. A submission shall be deemed to be filed on the date it is mailed, as indicated by the postmark, or on the date it is personally delivered to the Office of Hearings and Appeals.

(e) *Time Limits for Appeal.* The following time limits will apply to appeals filed pursuant to this section.

(1) Except as provided in paragraph (e)(2) of this section, an appeal from a size determination shall be filed in writing no later than thirty (30) calendar days after the date of receipt of such determination;

(2) An appeal from a size determination concerning a bidder or offeror in a pending procurement or a pending Government property sale shall be filed in writing no later than five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the determination made by a Regional Administrator, or his or her delegatee.

Unless written notice of such an appeal is filed within the prescribed time limit, the appellant will be deemed to have waived all rights of appeal insofar as the pending procurement or sale is concerned, but the appeal may proceed to final determination and shall apply to future procurements and sales.

(3) An appeal from a product or service classification shall be filed no later than ten (10) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations in cases when the bid opening day or deadline for submitting proposals or quotations is less than thirty (30) days after the issuance of the invitation for bids or request for proposals or quotations. In cases where the bid opening day or deadline for submitting proposals or quotations is more than thirty (30) days after the issuance of the invitation for bids or request for proposals or quotations, the appeal shall be filed no later than five (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations. An untimely appeal from a product or service classification will be dismissed.

(f) *Initiation of Appeal.* The document that initiates the appeal is hereafter called the Notice of Appeal. No particular form is prescribed for the Notice of Appeal. The appellant shall file the Notice of Appeal with the Office of Hearings and Appeals, in writing and in duplicate. In the case of telegraphic notices, a duplicate is not required; however, a telegraphic notice shall be confirmed by next day mailing of a written Notice, in duplicate. In accordance with paragraph (n) of this section, the Notice of Appeal shall be certified and a copy shall be concurrently served by the appellant upon those parties and persons specified in subparagraph (6) of this paragraph. Upon receipt of a copy of the Notice of Appeal, the Regional Office shall forthwith send the entire case file to the Office of Hearings and Appeals. The Notice of Appeal shall include the following information:

(1) Name, address and telephone number of the party filing the appeal, identification of the person to be contacted for service of correspondence, notices, orders, pleadings and requests for information pertaining to the appeal;

(2) The substance and date of the size determination or product or service classification from which the appeal is taken, including identification of the concern whose size is being determined, or the SIC or SBA size standard being applied;

(3) If applicable, the invitation for bids or contract number and date, and the name, address and telephone number of the contracting officer;

(4) A full and specific statement of the reasons why the size determination or product or service classification appealed is alleged to be erroneous;

(5) Presentation of arguments in support of such allegations; and

(6) A statement certifying that copies of the Notice of Appeal have been served upon the following, where applicable:

(i) The contracting officer;

(ii) The Small Business Administration official whose determination is appealed;

(iii) A protestant who is not the appellant;

(iv) The concern whose size status is at issue; and

(v) Any other identifiable interested person.

(g) *Notification of Filing of Appeal.* The Office of Hearings and Appeals will notify the parties and persons specified in paragraph (f)(6) of this section of the date it received the Notice of Appeal and the docket number assigned.

(h) *Scope of Appeal and Burden of Proof.* The Office of Hearings and Appeals will not consider issues not previously presented to the Small Business Administration official who made the size determination appealed unless such consideration is determined to be necessary to prevent manifest injustice to a party and such omission was not due to the fault of such party. The appellant shall have the burden of proof in the proceeding.

(i) *Statements of Interested Persons.* After a Notice of Appeal has been filed, any interested person may file with the Office of Hearings and Appeals a signed statement, in duplicate, supporting or opposing the appeal and presenting appropriate argument and evidence. Such statement shall be filed no later than five (5) days, exclusive of Saturdays, Sundays, and holidays, after the receipt of the Notice of Appeal served pursuant to paragraph (f) of this section, and shall, in accordance with paragraph (n) of this section, be certified and concurrently served upon parties and persons specified in paragraph (f)(6) of this section.

(j) *Enforcement and Extensions of Time Limitations.* Time limitations on all filings will be strictly enforced. Unless requested by the Office of Hearings and Appeals, late filings and filings not specifically provided for in this section, may be disregarded to avoid delay in disposing of the appeal. In the exercise of discretion and for

good cause shown, the Presiding Judge may, after notice to all participants, waive any time limit set forth in this section, other than those time limits set forth in paragraph (e). A motion for an extension of time must be filed within the time period to which it applies.

(k) *Docket File.* Upon the receipt of a Notice of Appeal, the matter will be assigned a docket number. The docket file will consist of the Notice of Appeal, any responses thereto, the case file submitted by the Small Business Administration official, or any materials submitted by the contracting officer, including the related written determination of the official or officer, any additional pleadings, motions and other documents submitted pursuant to this section, unless not received into evidence by the Presiding Judge, the transcript or recording of any oral hearing or telephone conference, and any orders and decisions issued in the proceeding.

(l) *Public Access to Docket File.* The following rules will apply regarding public access to the docket file for a proceeding:

(1) Except as provided in paragraphs (1)(2) and (3) of this section, the docket file will be available for public inspection in the Office of Hearings and Appeals during normal business hours and copies of such material may be obtained upon payment of the applicable charges.

(2) The following information in the docket file shall not be subject to public inspection or copying:

(i) Information subject to a protective order issued pursuant to paragraph (o)(2) of this section; and

(ii) Any proprietary information the withholding of which is provided pursuant to paragraph (n) of this section, or which is identified and contained in the case file submitted by the Small Business Administration official or the contracting officer.

(3) The case file submitted by the Small Business Administration official will be returned to such official upon termination of the proceeding.

(m) *Assignment of Three Judge Panel.* Upon receipt of a Notice of Appeal, the Assistant Administrator for the Office of Hearings and Appeals will assign the appeal to a panel of three Judges, one of whom (the Presiding Judge) will be designated to preside over the panel. The panel will have jurisdiction to investigate and decide the controversy and to take such further appropriate action as may be necessary to issue a decision in the matter in accordance with applicable agency policy, precedent, and law. A decision agreed upon by a majority of the panel will be

the final decision of the Small Business Administration.

(n) *Filing and Service of Pleadings.* The following rules will apply to all pleadings, motions and other documents filed pursuant to this section.

(1) Except as provided in paragraph (n)(2) of this section, all pleadings, motions, and other documents filed pursuant to this section shall be served upon the Presiding Judge (once identified) and all other participants in the proceedings or their respective counsel or other representative in the proceeding, personally or by registered or certified mail, and shall be accompanied by certification of such service.

(2) Tax returns, confidential data on SBA Form 355 and any other evidence that constitutes proprietary information need not be served, so long as such deletions are identified and described in the copies served pursuant to this paragraph.

(3) All pleadings, motions and other documents filed pursuant to this section shall be signed by an authorized person, who shall certify as follows:

"I have read this document and, under penalty of perjury and the sanctions imposed under 18 U.S.C. 1001, of which I am aware, I certify that, to the best of my knowledge, the statements made therein are true and correct, and that this document is not being filed for the purpose of delay or harassment."

(o) *Function of Presiding Judge.* The Presiding Judge of the panel to which the appeal is assigned is authorized to act upon and to dispose of all relevant motions, petitions, and other pleadings; to obtain such competent, material, and relevant facts as the Presiding Judge may deem necessary to a proper and just determination of the matters at issue, in an oral hearing or by other appropriate means (including, for example, telephone conferences); and to fix the time and place of any oral hearing or telephone conference. The Presiding Judge is also authorized to:

(1) Administer oaths and affirmations;

(2) Issue protective orders, and subpoenas as provided in paragraph (w) of this section;

(3) Request the attendance of Small Business Administration employees;

(4) Examine witnesses;

(5) Rule upon questions of procedure, evidence, policy and law, including the designation of party status in a proceeding and the nature and extent of participation for all other participants;

(6) Take or cause depositions to be taken;

(7) Regulate the course of the oral hearing, maintain decorum, and exclude from such hearing any person engaging

in contumacious conduct or otherwise disrupting such hearing;

(8) Require the filing of memoranda and the presentation of oral argument with respect to any question upon which the Presiding Judge is required to rule during the course of the hearing;

(9) Hold conferences for the settlement or simplification of the issues or for other appropriate purposes;

(10) Dispose of procedural requests and similar matters;

(11) Take action and make decisions in conformity with the applicable law, policy, and procedures of the Small Business Administration;

(12) Act on motions to enlarge, modify, or delete issues in the proceeding; and

(13) Impose appropriate sanctions, if any party fails to comply with an order of the Presiding Judge, including but not limited to:

(i) Drawing an inference in favor of the requesting party regarding the information sought;

(ii) Prohibiting the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, evidence relating to the information sought;

(iii) Permitting the requesting party to introduce secondary evidence concerning the information sought;

(iv) Striking any part of the pleadings of the party failing to comply with such request; or

(v) Taking such other appropriate action as is deemed necessary to serve the ends of justice.

(p) *Oral Hearings and Telephone Conferences.* The following rules will apply to oral hearings and telephone conferences:

(1) The Presiding Judge will determine the issues presented upon the documentary record. Only when the Presiding Judge determines, upon examination of the docket file and consideration of such additional facts as may be acquired on notice to participants, that there is a genuine dispute as to any material fact of decisional significance which cannot be resolved except by confrontation of witnesses, will an oral hearing be afforded.

(2) If the Presiding Judge determines that there is a matter that cannot be resolved other than by a telephone conference or an oral hearing, he or she will fix a time and place for such conference or hearing to resolve such matter.

(3) Any oral hearing will be set at a site reasonably proximate and convenient to the parties and those participants permitted to participate in

the oral hearing by the Presiding Judge and notice thereof will set forth:

(i) A statement as to the purpose of the oral hearing; and

(ii) A statement as to the matters of fact and law involved and the issues that will be heard.

(4) The Office of Hearings and Appeals will provide a means for recording oral hearings and telephone conferences at which evidence is taken. A transcript or record, as applicable, may be obtained upon payment of the applicable charges.

(q) *Prohibited Ex Parte Communications.* Except to the extent required for the disposition of *ex parte* matters as authorized by law or regulation, no participant may consult a Judge on a fact or question of law at issue in an appeal except on notice and opportunity for all participants to participate.

(r) *The Record.* The following rules will apply to the record compiled in the proceeding:

(1) A transcript or recording of any testimony and exhibits, and any other documents included in the docket file pursuant to paragraph (r)(1) of this section shall constitute the exclusive record for decision. Where the decision is based on official notice of a material fact not appearing in the record, any participant may file a motion no later than five (5) days following receipt of the decision served pursuant to paragraph (u) of this section, advocating a contrary factual proposition and setting forth the factual or legal basis for the challenge.

(2) The record in a proceeding in which an oral hearing has been held will be closed by an announcement to that effect at such hearing by the Presiding Judge, when the taking of testimony has been concluded. When no oral hearing has been held, the Presiding Judge will inform the participants of the closing of the record by appropriate means. In the discretion of the Presiding Judge, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be later prepared; *Provided* That the parties and other participants in the proceeding stipulate that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. After the closing of the record, the transcript or recording of any testimony, together with all exhibits, will be certified by the Presiding Judge and filed in the docket file in the Office of Hearings and Appeals. A copy of such certification will be served on all participants in the proceeding.

(3) At any time during the course of the proceeding, or as directed by the

Presiding Judge, but no later than five (5) days after receipt of notice of certification of the record made pursuant to paragraph (r)(2) of this section, any participant in the proceeding may file with the Presiding Judge a motion requesting the correction of a transcript, if any, which shall be accompanied by proof of service thereof upon all other participants in the proceeding. No later than five (5) days after the receipt of such a motion, other participants may file a response in support of, or in opposition to, such motion. Thereafter, the Presiding Judge will issue an order specifying the corrections to be made in the transcript. A copy of the order will be served upon all participants and will be made a part of the record. The Presiding Judge may, on his or her own motion, specify on notice to the participants corrections to be made in the transcript. Objection to any such proposed correction(s) shall be filed within three (3) days after receipt of such notice and such objection(s) will be the subject of appropriate rulings by the Presiding Judge.

(s) *Post-Hearing Procedures.* The following rules will apply to proposed findings and conclusions:

(1) After the conclusion of any oral hearing, any participant may, with the concurrence of the Presiding Judge, file proposed findings of fact and conclusions, briefs, and memoranda of law; *Provided*, That the Presiding Judge may, in any proceeding, direct any party to file proposed findings of fact and conclusions, briefs, and memoranda of law. Any proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within ten (10) days after receipt of notice of certification of the record pursuant to paragraph (r)(2) of this section, unless the Presiding Judge specifies otherwise.

(2) Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out with particularity all decisionally significant evidentiary facts developed on the record that are deemed to support the findings proposed, with citations to the transcript, where appropriate, and to other portions of the record relied on for each evidentiary fact. Proposed conclusions shall also be separately stated in serially numbered paragraphs. Proposed findings and conclusions may be limited to those issues that affect the interests of their proponent and may be accompanied by supporting briefs.

(3) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, and memoranda of law when directed to do so by the Presiding Judge, will be deemed to constitute a waiver of

the right to object to the findings and conclusions of the panel.

(t) *Decision.* Following receipt of proposed findings and conclusions authorized or directed pursuant to paragraph (s) of this section or default in the making of such filings, or upon closing of the record when such filings have not been authorized or directed, the Presiding Judge will prepare a proposed decision containing findings of fact and conclusions, as well as the reasons therefor, with respect to all the decisionally significant material issues of fact and law presented on the record. The proposed decision will also contain a proposed order, and the proposed sanction, relief, or denial thereof appropriate in the circumstances. The proposed decision will be circulated among the panel members for consideration and concurrence. Upon approval of that decision or a different decision by a majority of the panel, the decision will be issued; it shall be the final decision of the Small Business Administration and shall bind all parties to the proceeding.

(u) *Notice of Decision.* The Office of Hearings and Appeals will serve the decision upon all participants in the proceeding by certified mail. Where time is of the essence, notice of the ultimate determination may be communicated in a telegram or by telephone to the participants, to be followed by service of the full text.

(v) *Termination of Jurisdiction.* Except as provided in subparagraphs (1) and (2) of this paragraph, the authority of the panel over the proceeding shall cease upon issuance of the decision.

(1) Limited jurisdiction over the proceeding shall continue for the purpose of effecting certification, correcting the record and ruling on motions concerning official notice pursuant to paragraph (r) of this section.

(2) No later than thirty (30) days after service of the decision pursuant to paragraph (u) of this section, any participant may file a motion to reopen the proceeding for the limited purpose of presenting newly discovered evidence of decisional significance, together with a showing that such evidence was not available during the course of the proceeding, or could not have been available during that time upon the exercise of due diligence. The panel will dispose of such motion in such manner as to afford a just and proper disposition of the appeal.

(w) *Subpoenas.* The following rules will apply to subpoenas:

(1) Subpoenas will be authorized at the discretion of the Presiding Judge only with respect to oral hearings held

pursuant to paragraph (p) of this section. No subpoenas may be issued against Small Business Administration personnel or for documents in the custody or control of the Small Business Administration.

(2) Subpoenas requiring the attendance and testimony of witnesses, and subpoenas requiring the production of any books, papers, records, contracts, agreements, and other documents relating to an appeal under this section shall be signed and issued by the Presiding Judge.

(3) Unless submitted on the record while an oral hearing is in progress, requests for a subpoena *ad testificandum* shall be submitted in writing, identifying the person to be subpoenaed and showing the relevance, materiality, and the basis for requiring the testimony of such person.

(4) Written requests for a subpoena *duces tecum* shall be verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. A showing shall also be made as to the relevance and materiality of the evidence sought.

(5) Requests for subpoenas shall be submitted by a party in triplicate, and may be made *ex parte*.

(6) Any person or entity against whom a subpoena is directed may, prior to the return date, file with the Presiding Judge a motion to quash or limit the subpoena, setting forth the reasons the subpoena should not be complied with or should be limited in scope. That motion must be made upon notice to all other parties in the proceeding.

(7) Notice, including a brief statement of the reasons therefor, will be given for the denial, in whole or in part, of a request for subpoena or of a motion to quash.

(8) A subpoena may be served by any person who is not a party to or participant in the proceeding and who is not less than 18 years of age.

(9) Service of a subpoena upon the person named therein shall be made by exhibiting the original subpoena to such person, by reading the original subpoena if such person is unable to read, by delivering the duplicate subpoena to such person, and by tendering the fees for one day's attendance at the proceeding to which such person is summoned and the mileage allowed by law. If the subpoena is issued on behalf of the United States or an officer or agency thereof, attendance fees and mileage need not be tendered, but will

be paid upon filing of an appropriate claim therefor.

(10) The person effecting service of a subpoena shall sign an affidavit thereof, stating the date, time, and manner of service.

(11) In case of failure to make service, the reasons for the failure shall be stated on the original subpoena by the person who attempted to make service.

(12) The original subpoena, bearing or accompanied by the required affidavit or statement, shall be returned forthwith to the Office of Hearings and Appeals or, if so directed on the subpoena, to the Presiding Judge before whom the person named in the subpoena is required to appear.

(13) The attendance of witnesses and the production of documentary evidence may be required from any place in the United States to any designated place of hearing. In case of disobedience of a subpoena, the Small Business Administration may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(14) Witnesses who are subpoenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. Fees shall be paid by the party at whose instance the subpoena is issued.

(15) In the exercise of discretion, the Presiding Judge authorizing and issuing any subpoena will, upon request or upon his or her own motion, devise and provide such protective order(s) as may be necessary and appropriate to protect the witness and/or such books, documents, materials, and records produced in response thereto, from harassment, undue expense, breach of confidentiality of information and data reasonably concluded to require protection from general disclosure, or for any other proper and relevant consideration.

(x) *Delegation of Authority When Judge Not Available.* In the event of the absence or unavailability of the Presiding Judge or other member of the panel to which the appeal is assigned, where such action is necessary, any Judge in the Office of Hearings and Appeals to whom such authority is delegated, is authorized to participate in rendering a final decision and to dispose of any motions or other interlocutory matters, as appropriate, pertaining to such appeal.

(y) *Effective Date.* This section shall apply to all appeals for which a decision

has not been made by the Size Appeals Board as of December 23, 1983.

§ 121.12 Small business for paying reduced patent fees.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41 (a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street NW., Washington, D.C. 20416 [Attention: SBA Office of General Counsel]. The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

Dated: December 16, 1983.

James C. Sanders,
Administrator.

[FR Doc. 84-3183 Filed 2-8-84; 8:45 am]

BILLING CODE 8025-01-M

federal register

Thursday
February 9, 1984

Part III

Department of Housing and Urban Development

**Urban Development Action Grants;
Revised Minimum Standards for Large
Cities and Urban Counties; Notice**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. N-84-1342; FR 1944]

**Urban Development Action Grants;
Revised Minimum Standards for Large
Cities and Urban Counties**

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR 570.452(b)(1), the Department is providing Notice of the most current minimum standards of physical and economic distress for large cities (metropolitan cities and other cities over 50,000 population), and urban counties for the Urban Development Action Grant program.

This Notice revises the Notice published June 7, 1982 (47 FR 24652). It reflects a recent regulation change to the minimum distress standards which was published January 25, 1984. The change provides an additional minimum standard of distress based on long term high unemployment as used by the Department of Labor to identify Labor Surplus Areas. Also the minimum standards of distress have now changed generally as a result of applying new data from the Bureau of the Census and the Bureau of Labor Statistics. The standards of distress are also revised slightly, based on a change in the method for calculating the percentage of poverty and reducing the number of decimal places for expressing percentage values.

This Notice contains three lists: The first list identifies those cities and urban counties which qualify as distressed communities based upon the new minimum standards; the second list identifies those cities and urban counties which did not qualify when the June 7, 1982 list was published but which do qualify now; the third list identifies those cities and urban counties which were classified as distressed on the June 7, 1982 list, but which no longer qualify under the new minimum standards.

EFFECTIVE DATE: March 7, 1984.

FOR FURTHER INFORMATION CONTACT: Frank Ridenour, Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410, Telephone: 202/755-6784. For information on minimum distress standards or the data used to determine whether a community qualifies as distressed contact: John Nagoski, Telephone: 202/755-6042.

SUPPLEMENTARY INFORMATION: A Notice published by the Department on June 7, 1982 provided the minimum standards of physical and economic distress which were applicable up to the effective date of this Notice for large cities and urban counties.

Part I of this Notice specifies the new minimum standards of physical and economic distress. Part II of this Notice contains a revised list of all the large cities and urban counties which meet the new standards. Part III of this Notice lists those large cities and urban counties which, based upon the new minimum standards, appear on the list in Part II but did not qualify when the June 7, 1982 list was published. Part IV is a list of those cities which were classified as distressed on the June 7, 1982 list but which no longer qualify under the new minimum standards. These cities listed in Part IV have a period of time, as specified in Part IV, during which they may submit Action Grant applications.

The six minimum standards of distress (which were in effect prior to the recent change made January 25, 1984) have been changed as a result of new data from the Bureau of the Census and the Bureau of Labor Statistics. The updated census data are 1980 housing and poverty and 1979 per capita income. Previously, 1970 housing and poverty counts (adjusted for boundary changes through 1980) and 1977 per capita income were used. The Bureau of Labor Statistics data are updated from 1981 unemployment rates to 1982 unemployment rates. The data for the other standards remain unchanged from last year except for small corrections and additions to the data.

Also these standards were changed as a result of two other factors: First, there was a revision to the method for calculating the percentage of poverty. The new method uses the same percent as reported by the Bureau of the Census. The previous method gave a different result since the denominator was the latest population estimate or count, and was not adjusted to exclude certain people such as those living in group quarters. Second, the data and thresholds are rounded to one decimal place instead of two. Thus, the data correspond to the number of decimal places used by the Bureaus of the Census and Labor Statistics.

A recent regulation change published on January 25, 1984 at 49 FR 3074 added a seventh standard. A city or an urban county meets the standard if it is within an area that meets the unemployment criterion required for designation as a Labor Surplus Area. Since the number of criteria required for distress designation

(3) remained the same, this regulation change did not result in the loss of distress designation for any city or urban county.

In general, LSAs are high unemployment cities with a population greater than 50,000, counties and county balances which are designated by the Department of Labor for the purpose of targeting Federal procurements. An area receives the LSA designation if it surpasses a threshold. This threshold is calculated by utilizing the national average unemployment rate. An area receives the LSA designation if it exceeds 120 percent of the national average unemployment rate over the last two years. The range of the threshold cannot exceed 10 percent or go below 6 percent.

The specified unemployment rate for the 1981-1982 period is 10 percent. A list of eligible labor surplus areas was published in the Federal Register on September 29, 1983 (48 FR 44676).

This Notice is published pursuant to 24 CFR 570.452(b)(1).

A large city or urban county must pass three minimum standards of physical and economic distress, except that if the percentage of poverty is less than half the minimum standard, the city or urban county must pass four standards. The most current minimum standards of physical and economic distress are:

A. Age of Housing. At least 21.0 percent of the applicant's year-round housing units must have been constructed prior to 1940, based on 1980 U.S. Census data, in order to meet this minimum standard;

B. Per Capita Income Change. The net increase in per capita income for the period of 1969-1979 must have been \$4036 or less, based on U.S. Census data, in order to meet this minimum standard;

C. Population Growth Lag/Decline. For the period 1960-1980 the percentage rate of population growth (based on corporate boundaries in 1960 and as of the 1980 Census) must have been 20.7 percent or less, based on U.S. Census data, in order to meet this minimum standard;

D. Unemployment. The average rate of unemployment for 1982 must have been 9.4 percent or greater, based on data compiled by the Bureau of Labor Statistics, in order to meet this minimum standard;

E. Job Lag/Decline. The rate of growth in retail and manufacturing employment for the period 1972-1977 must have increased by 6.9 percent or less, based on U.S. Census data, in order to meet this minimum standard. If data are not

available for both retail and manufacturing employment, the percentage used will be the median for either retail employment or manufacturing employment, based upon the median for those cities on which both sets of data are available;

F. Poverty. The percentage of persons within the applicant's jurisdiction at or below the poverty level must be 12.4 percent or more, based on 1980 U.S. Census data, in order to meet this minimum standard;

G. Labor Surplus Area. The city or urban county must either coincide with or be within or be partially within an area which meets the criteria for designation as a Labor Surplus Areas as of October 1983. These areas include cities with populations of 50,000 or more, counties or county balance with an unemployment rate of 10 percent for calendar years 1981-1982.

II

A. The following cities meet the current minimum standards of physical and economic distress:

Alabama: Anniston, Bessemer, Birmingham, Dothan, Florence, Gadsden, Huntsville, Mobile, Montgomery, Tuscaloosa

Arizona: Tucson

Arkansas: Pine Bluff, Texarkana, West Memphis

California: Alhambra, Baldwin Park, Berkeley, Chico, Compton, El Monte, Fresno, Inglewood, Lompoc, Long Beach, Los Angeles, Norwalk, Oakland, Ontario, Oxnard, Pasadena, Pico Rivera, Pomona, Porterville, Richmond, Sacramento, Salinas, San Bernardino, San Francisco, Santa Cruz, Seaside, South Gate, Stockton, Tulare, Turlock, Yuba

Colorado: Denver, Pueblo

Connecticut: Bridgeport, Hartford, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Waterbury, West Haven

Delaware: Wilmington

District of Columbia: Washington

Florida: Cocoa, Fort Pierce, Hialeah, Jacksonville, Lakeland, Miami, Miami Beach, Panama City, Pensacola, St. Petersburg, Tampa, West Palm Beach, Winterhaven

Georgia: Albany, Atlanta, Augusta, Columbus, Marietta, Savannah

Illinois: Alton, Aurora, Belleville, Berwyn, Champaign, Chicago, Chicago Heights, Cicero, Decatur, East St. Louis, Granite City, Joliet, Kankakee, Moline, Pekin, Peoria, Rockford, Rock Island, Springfield, Urbana, Waukegan

Indiana: Anderson, Bloomington, East Chicago, Elkhart, Evansville, Fort Wayne, Gary, Goshen, Hammond, Indianapolis, Kokomo, Lafayette, Mishawaka, Muncie, New Albany, South Bend, Terre Haute, West Lafayette

Iowa: Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Sioux City, Waterloo

Kansas: Kansas City, Lawrence

Kentucky: Ashland, Covington, Hopkinsville, Louisville, Owensboro

Louisiana: Alexandria, Lake Charles, Monroe, New Orleans, Thibodaux

Maine: Auburn, Bangor, Lewiston, Portland

Maryland: Annapolis, Baltimore, Cumberland, Hagerstown

Massachusetts: Attleboro, Boston, Brockton, Brookline, Cambridge, Chicopee, Fall River, Fitchburg, Gloucester, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Malden, Medford, New Bedford, Northampton, Pittsfield, Quincy, Salem, Somerville, Springfield, Waltham, Worcester

Michigan: Battle Creek, Bay City, Benton Harbor, Detroit, East Lansing, Flint, Grand Rapids, Holland, Jackson, Kalamazoo, Lansing, Lincoln Park, Muskegon, Muskegon Heights, Pontiac, Port Huron, Saginaw, St. Clair Shores

Minnesota: Duluth, Minneapolis, St. Cloud, St. Paul

Mississippi: Biloxi, Gulfport, Moss Point, Pascagoula

Missouri: Joplin, Kansas City, St. Joseph, St. Louis, Springfield

Nebraska: Omaha

New Hampshire: Dover, Manchester, Portsmouth, Rochester

New Jersey: Asbury Park, Atlantic City, Bayonne, Bridgeton, Camden, East Orange, Elizabeth, Hoboken, Irvington, Jersey City, Long Branch, Millville, Newark, New Brunswick, Passaic, Paterson, Perth Amboy, Trenton, Union City, Vineland

New York: Albany, Binghamton, Buffalo, Elmira, Glen Falls, Middletown, Mount Vernon, Newburgh, New Rochelle, New York, Niagara Falls, Poughkeepsie, Rochester, Rome, Schenectady, Syracuse, Troy, Utica, Yonkers

North Carolina: Asheville, Burlington, Concord, Gastonia, Hickory, High Point, Jacksonville, Salisbury, Wilmington, Winston Salem

Ohio: Akron, Barberton, Bowling Green, Canton, Cincinnati, Cleveland, Cleveland Heights, Columbus, Dayton, Elyria, Hamilton City, Kent, Lancaster, Lima, Lorain, Mansfield, Marietta, Massillon, Middletown, Newark, Springfield, Steubenville, Toledo, Warren, Youngstown

Oklahoma: Lawton, Shawnee

Oregon: Portland, Springfield

Pennsylvania: Allentown, Altoona, Bethlehem, Bristol Township, Carlisle, Chester, Easton, Erie, Harrisburg, Hazleton, Johnstown, Lancaster, Lebanon, McKeesport, Norristown, Philadelphia, Pittsburgh, Reading, Scranton, Sharon, State College, Upper Darby, Wilkes-Barre, Williamsport, York

Rhode Island: Cranston, East Providence, Pawtucket, Providence, Woonsocket

South Carolina: Anderson, Charleston, Columbia, Florence, Greenville, North Charleston, Rock Hill, Spartanburg

Tennessee: Bristol, Chattanooga, Clarksville, Johnson City, Kingsport, Knoxville, Memphis, Murfreesboro

Texas: Brownsville, Denison, Edinburg, El Paso, Galveston, Harlingen, Killeen, Laredo, McAllen, Marshall, Mission, Orange, Pharr, Port Arthur, San Benito, Texarkana, Waco

Utah: Ogden, Provo, Salt Lake City

Vermont: Burlington

Virginia: Bristol, Charlottesville, Danville, Hopewell, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Suffolk

Washington: Bellingham, Bremerton, Everett, Olympia, Pasco, Seattle, Spokane, Tacoma, Vancouver, Yakima

West Virginia: Charleston, Huntington, Parkersburg, Weirton, Wheeling

Wisconsin: Beloit, Eau Claire, Green Bay, Kenosha, La Crosse, Milwaukee, Oshkosh, Racine, Superior, Wausau

Puerto Rico: Toa Baja Municipio, Aguadilla Municipio, Arecibo Municipio, Bayamon Municipio, Caguas Municipio, Carolina Municipio, Fajardo Municipio, Guaynabo Municipio, Mayaguez Municipio, Ponce Municipio, San Juan Municipio, Trujillo Alto Municipio

Other cities over 50,000: Guam, Virgin Islands

B. The following urban counties meet the current standards of physical and economic distress:

State and county

California: Kern, Fresno

Florida: Polk

Illinois: Madison, St. Clair

New Jersey: Hudson

New York: Erie

Ohio: Stark

Pennsylvania: Allegheny, Beaver, Luzerne, Washington, Westmoreland

III

The following large cities and urban counties which have been added to the list under Section II, above, meet the new standards of physical and economic distress:

State and place

Alabama: Dothan

Arizona: Tucson

California: El Monte, Inglewood, Lompoc, Oxnard, Sacramento, Salinas, South Gate, Turlock, Yuba

Florida: Hialeah, Winterhaven

Georgia: Marietta

Illinois: Aurora, Belleville, Granite City, Pekin

Indiana: Goshen, Mishawaka

Louisiana: Thibodaux

Massachusetts: Gloucester

Michigan: East Lansing, St. Clair Shores

New Hampshire: Rochester

Ohio: Lancaster, Stark

Oregon: Springfield

Pennsylvania: Carlisle, State College

South Carolina: Columbia

Tennessee: Kingsport, Murfreesboro

Virginia: Charlottesville, Hopewell, Newport News

Washington: Bremerton, Olympia, Pasco, Vancouver

Wisconsin: Green Bay

IV

The following list contains the names of those large cities and urban counties which met the minimum standards of physical and economic distress on June 7, 1982 but which no longer meet those

standards. In accordance with 24 CFR 570.452(b)(2), cities which cease to meet the minimum standards of physical and economic distress by virtue of a change in the data used by HUD will be permitted to submit an application during the two calendar quarters following the change in data. HUD will continue to consider those applications which have been submitted and are under review prior to a change in the minimum standards which otherwise makes them ineligible. The final date

for submission of an application by the cities listed below is July 31, 1984.

State and place

Arkansas: Fort Smith, Little Rock
California: Alameda, Santa Monica
Colorado: Greeley
Connecticut: Manchester
Florida: Brandenton
Illinois: Oak Park, Rantoul
Iowa: Iowa City
Kansas: Leavenworth
Massachusetts: Arlington, Weymouth
Michigan: Dearborn

Montana: Great Falls
New Jersey: Bloomfield, Essex
New Mexico: Las Cruces
New York: Union Town, Orange
Pennsylvania: Lower Merion
Texas: Forth Worth
Wisconsin: Sheboygan

Dated: February 3, 1984.

Stephen J. Bollinger,
*Assistant Secretary for Community Planning
and Development.*

[FR Doc. 84-3517 Filed 2-8-84; 8:35 am]

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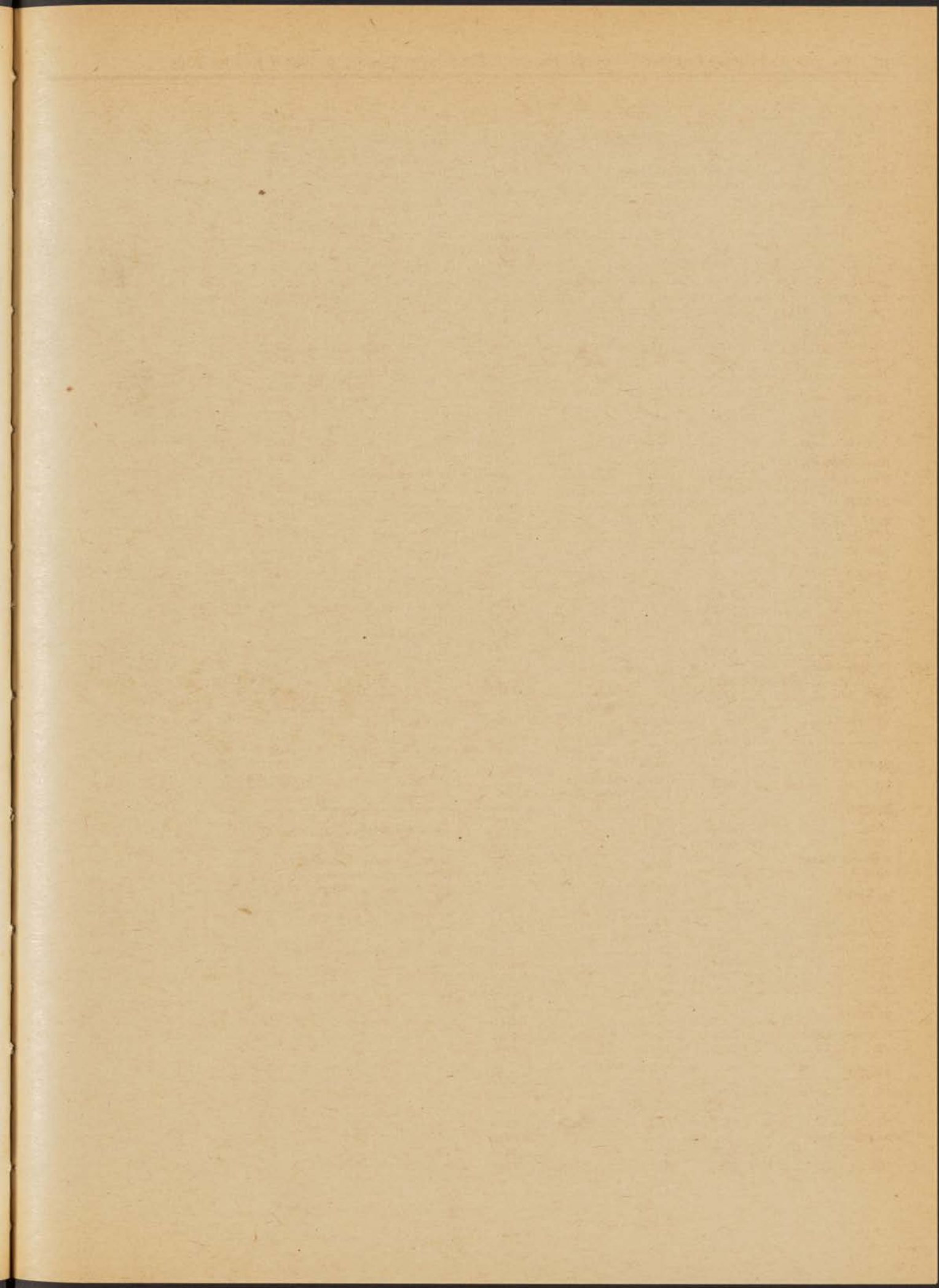
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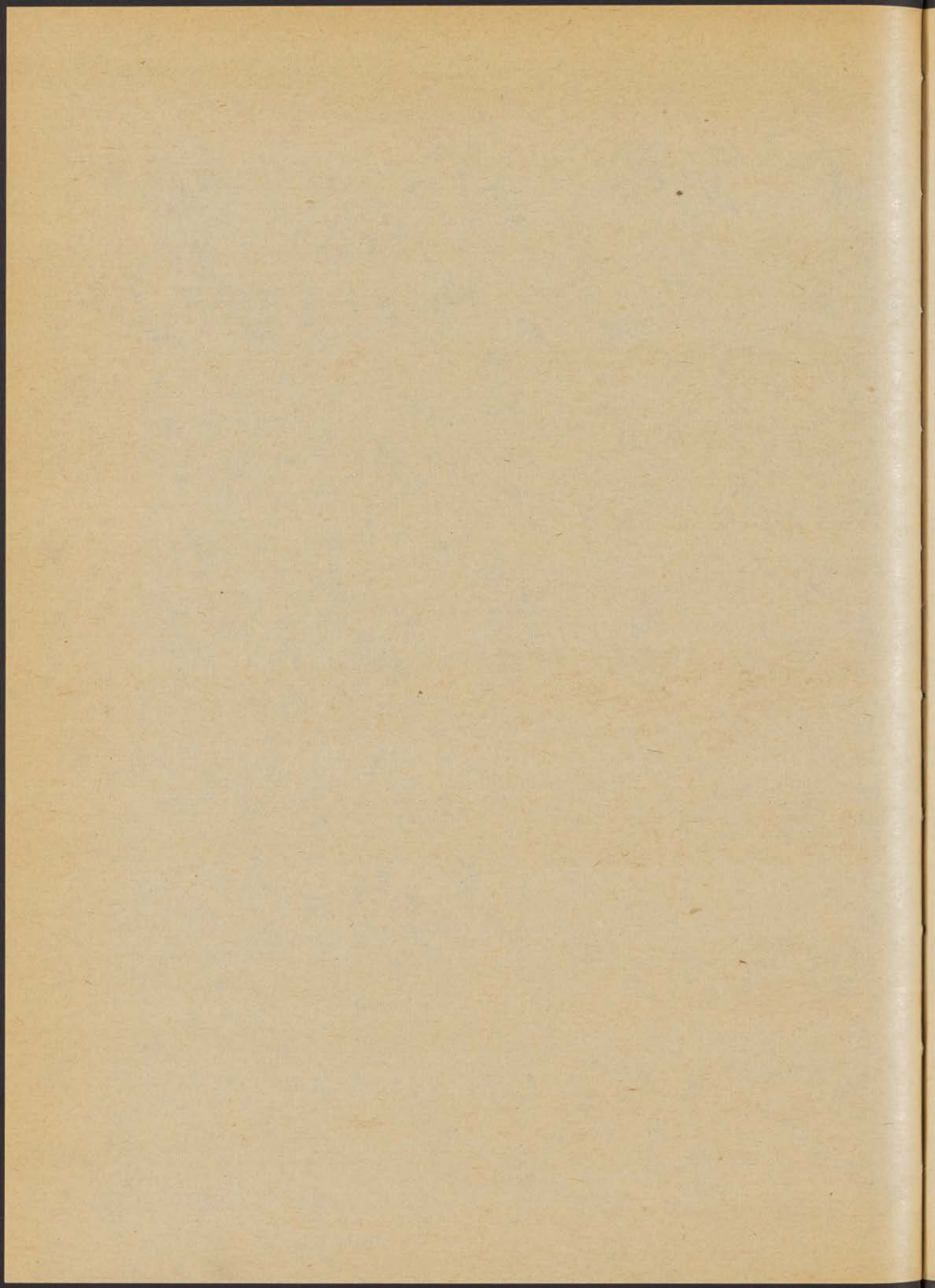
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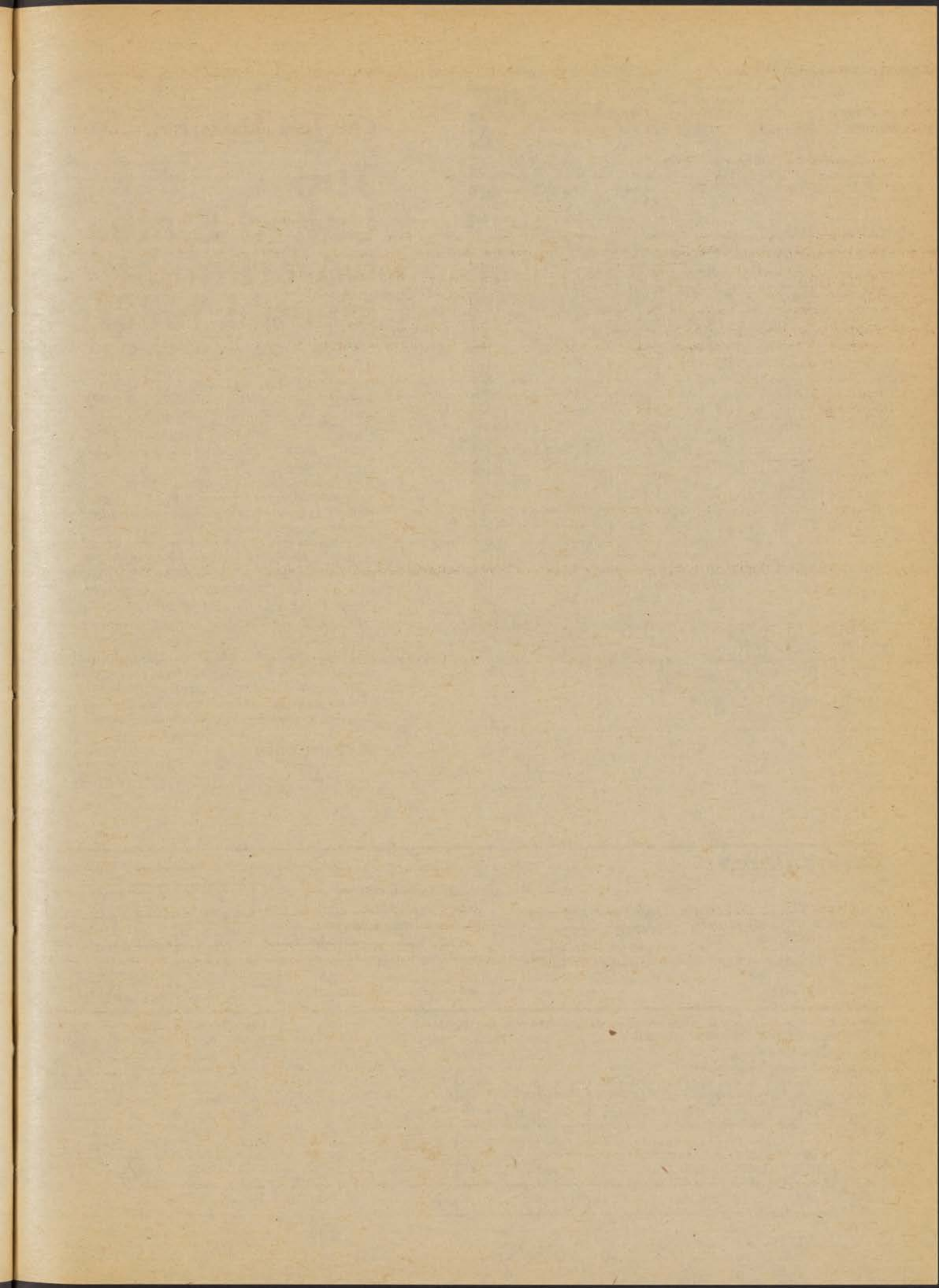
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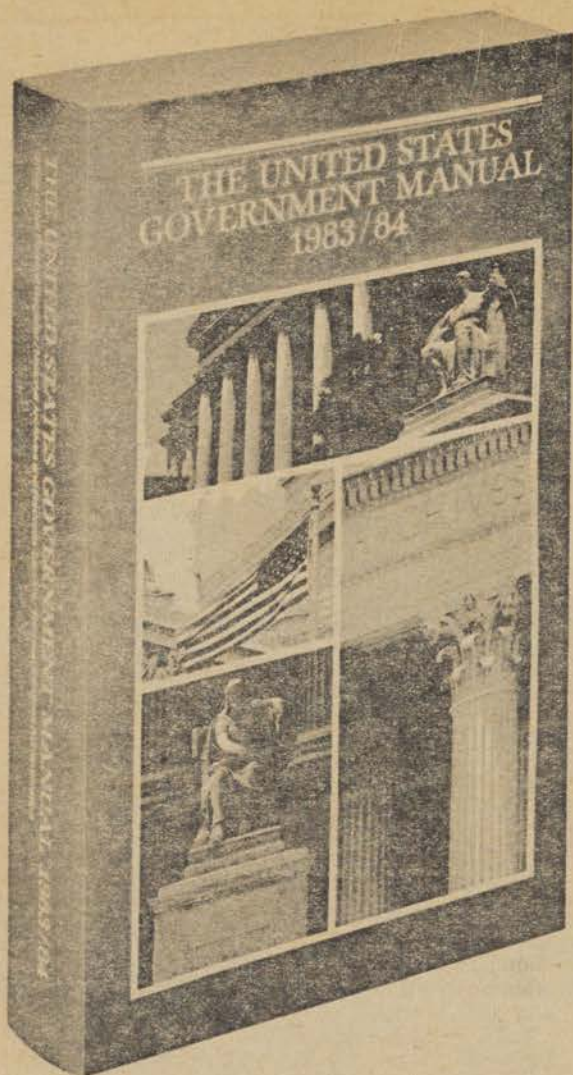
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