AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

10

2-21-84
Vol. 49 No. 35
Pages 6315-6470

federal register

Tuesday
February 21, 1984

444-012
GSA

Selected Subjects

Administrative Practice and Procedure
Interior Department

Air Pollution Control
Environmental Protection Agency

Aircraft
Federal Aviation Administration

Archives and Records
General Services Administration

Aviation Safety
Federal Aviation Administration

Claims
Fiscal Service

Conflicts of Interest
Interior Department

Crop Insurance
Federal Crop Insurance Corporation

Endangered and Threatened Species
Fish and Wildlife Service

Equal Employment Opportunity
Equal Employment Opportunity Commission

Government Procurement
National Aeronautics and Space Administration

Grazing Lands
Land Management Bureau

CONTINUED INSIDE

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.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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.

There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

Selected Subjects

Livestock
Agricultural Marketing Service

Marketing Agreements
Agricultural Marketing Service

Meat and Meat Products
Agricultural Marketing Service

Trade Practices
Federal Trade Commission

Contents

Federal Register
Vol. 49, No. 35
Tuesday, February 21, 1984

Agricultural Marketing Service
RULES
6363 Lemons grown in Ariz. and Calif.
Meats, prepared meats, and meat products:
6315 Grading and certification services; fee increase; interim
PROPOSED RULES
Livestock; grading, certification, and standards:
6378 Slaughter lambs, yearlings, and sheep

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Crop Insurance Corporation; Rural Electrification Administration.
NOTICES
6393 Cheese, Swiss produced in West Germany and France; price-undercutting determination

Animal and Plant Health Inspection
RULES
Livestock and poultry quarantine:
6364 Brucellosis; correction

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
6400 Procurement list, 1984; additions and deletions; correction

Census Bureau
NOTICES
6394 Voting age population, 1983; estimates

Civil Aeronautics Board
NOTICES
6436 Meetings; Sunshine Act

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
6394 Massachusetts

Commerce Department
See Census Bureau; Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
6400 Agency information collection activities under OMB review

Consumer Product Safety Commission
NOTICES
6436 Meetings; Sunshine Act (2 documents)

Customs Service
NOTICES
6433 Vessel services, container stations, and warehouses; fees

Defense Department
See Engineers Corps.

Energy Department
See also Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
6400 Sweden
Meetings:
6400, 6401 National Petroleum Council (3 documents)

Engineers Corps
PROPOSED RULES
Navigation regulations:
6386 San Diego Bay, Calif.; restricted area; correction

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
6458 Metallic mineral processing plants
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
6386 Nevada
NOTICES
6408 Agency information collection activities under OMB review

Equal Employment Opportunity Commission
RULES
Employment discrimination:
6368 Charges; designation of State and local fair employment practice agencies (706 agencies); Illinois and Puerto Rico
6368 Charges; designation of State and local fair employment practice agencies (706 agencies); Iowa

Federal Aviation Administration
RULES
6364 Standard instrument approach procedures
PROPOSED RULES
Aircraft products and parts, certification:
6468 Market survey experimental certificates for aircraft modifiers
6382 Prohibited areas; correction
NOTICES
6427 Exemption petitions; summary and disposition

Federal Crop Insurance Corporation
RULES
Administrative regulations:
6316 Crop insurance applications
6319 Late planting agreement option regulations
Crop insurance; various commodities:
6320 Apples
6326, 6330 Citrus (2 documents)
6353 Dry bean

6334 Forage seeding
6358 Hybrid seed
6344 Peanuts
6349 Sunflower
6338 Wheat
NOTICES
Crop insurance; various commodities:
6393 Grapes; extension of sales closing dates

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
6401 Connecticut Light & Power Co.
6402 Consolidated Edison Co. of New York, Inc.
6402-6404 Empire District Electric Co. (10 documents)
6405 Kansas Gas & Electric Co.
6405 Northern States Power Co.
6405 Oklahoma Gas & Electric Co.
6405, 6406 Pacific Power & Light Co. (2 documents)
6406 Southern California Edison Co.
6406 Transcontinental Gas Pipe Line Corp. et al.
6408 United Gas Pipe Line Co.

Federal Reserve System
NOTICES
Bank holding company applications, etc.:
6409 BSB Financial Corp. et al.
6409 Independence Bank Group, Inc.
6410 Norwest Corp.

Federal Trade Commission
RULES
Prohibited trade practices:
6366 Proctor & Gamble Co.

Fiscal Service
RULES
6368 Claims; collection by administrative offset

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
6388 Snail darter; reclassification, etc.

Food and Drug Administration
PROPOSED RULES
Food for human consumption:
6384 Beans, green and waxed, quick frozen; Codex Standard consideration terminated
6386 Broccoli, quick frozen; Codex Standard consideration terminated
6383 Brussels sprouts, quick frozen; Codex Standard consideration terminated
6384 Cauliflower, quick frozen; Codex Standard consideration terminated
6385 Corn-on-the-cob, quick frozen; Codex Standard consideration terminated
6385 Corn, quick frozen, whole kernel; Codex Standard consideration terminated
6386 Potatoes, quick frozen, french-fried; Codex Standard consideration terminated

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
6395 New York

General Services Administration
RULES
Property management:
6370 Records management; records scheduling paperwork procedures, disposition, etc.
NOTICES
6410 Agency information collection activities under OMB review

Health and Human Services Department
See Food and Drug Administration; Public Health Service

Housing and Urban Development Department
NOTICES
6411 Agency information collection activities under OMB review

Indian Affairs Bureau
NOTICES
Indian tribes, acknowledgment of existence determinations, etc.:
6412 Dunlap Band of Mono Indians
6412 Nor-El-Muk Band of Wintu Indians of Northern California
6411 Mashantucket Pequot Tribe; claims extinguishment

Interior Department
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; National Park Service.
RULES
6373 Conflicts of interest; employee responsibility and conduct
Organization and functions:
6371 Alaska Native Claims Appeal Board, abolishment and transfer of functions to Interior Board of Land Appeals
NOTICES
Meetings:
6411 Alaska Land Use Council

International Trade Administration
NOTICES
Antidumping:
6396 Valves, couplings, nozzles and connections, of brass, suitable for use in interior fire protection systems from Italy
Countervailing duties:
6397 Ferroalloys from Spain
6398 Wool from Argentina
Scientific articles; duty free entry:
6395 Children's Hospital of Los Angeles
6396 University of Wisconsin

International Trade Commission
NOTICES
Import investigations:
6416 X-ray image intensifier tubes; correction

Interstate Commerce Commission
NOTICES
Motor carriers:
6417 Transportadora De Juarez, S.A.; petition extension
Railroad service abandonment:
6416 Chicago & North Western Transportation Co.
6416 Seaboard System Railroad, Inc.

6417 Union Pacific Railroad Co.

Land Management Bureau
RULES
Grazing administration:
6440 Livestock grazing on public lands
Organization and functions:
Alaska Native Claims Appeal Board, abolishment and transfer of functions to Interior Board of Land Appeals; (Editorial Note: For a document on this subject, see entry under Interior Department)
NOTICES
Exchange of public lands for private land:
6413 Utah (2 documents)
Leasing of public lands:
6413 Oregon; correction

Minerals Management Service
NOTICES
Meetings:
6413 Technology Assessment and Research Program

National Aeronautics and Space Administration
PROPOSED RULES
6388 Acquisition regulations
NOTICES
Environmental statements; availability, etc.:
6417 Galileo mission; radioisotope thermoelectric generators
Meetings:
6418 Space and Earth Science Advisory Committee

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
6399 Center for Marine Studies
6398 Walt Disney Productions

National Park Service
NOTICES
Environmental statements; availability, etc.:
6415 Redwood National Park and Prairie Creek Redwoods State Park, Calif.
Historic Places National Register; pending nominations:
6415 Florida et al.

National Transportation Safety Board
NOTICES
6418 Accident reports, safety recommendations, and responses, etc.; availability

Nuclear Regulatory Commission
NOTICES
6421 Agency information collection activities under OMB review
Applications, etc.:
6421 Alabama Power Co.
6422 Georgia Power Co. et al.
6422 Pacific Gas & Electric Co.
6423 Union Carbide Corp.
Meetings:
6419, 6420 Reactor Safeguards Advisory Committee (2 documents)
6421 Reactor Safeguards Advisory Committee; date change
6436 Meetings; Sunshine Act
Reports; availability, etc.:
6423 Nuclear power plants, safety analysis reports review; standard review plan

Postal Service
NOTICES
6436 Meetings; Sunshine Act

Public Health Service
NOTICES
Meetings; advisory committees:
6410 March

Railroad Retirement Board
PROPOSED RULES
6383 Annuities, reduction; determination of benefit level; withdrawal

Research and Special Programs Administration
NOTICES
Hazardous materials:
6429 Applications; exemptions, renewals, etc.

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
6393 Associated Electric Cooperative, Inc.

Securities and Exchange Commission
PROPOSED RULES
Securities:
6383 Savings and loan associations; status under securities laws; extension of time
NOTICES
Self-regulatory organizations; proposed rule changes:
6425 Pacific Stock Exchange, Inc.
6426 Philadelphia Stock Exchange, Inc.

Synthetic Fuels Corporation
NOTICES
6437 Meetings; Sunshine Act

Textile Agreements Implementation Committee
NOTICES
Export visa requirements; certification, etc.:
6399 Romania

Transportation Department
See Federal Aviation Administration; Research and Special Programs Administration.

Treasury Department
See also Customs Service; Fiscal Service.
NOTICES
6433 Agency information collection activities under OMB review

Veterans Administration
NOTICES
Environmental statements; availability, etc.:
6434 Palm Beach County, Fla.

Separate Parts in This Issue

Part II
6440 Department of Interior, Bureau of Land Management

Part III
6458 Environmental Protection Agency

Part IV
6468 Department of Transportation, Federal Aviation Administration

Reader Aids
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.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
54 ... 6315
400 (2 documents) ... 6316, 6319
408 ... 6320
409 ... 6326
410 ... 6330
414 ... 6334
418 ... 6338
425 ... 6344
428 ... 6349
433 ... 6353
443 ... 6358
910 ... 6363
Proposed Rules:
53 ... 6378

9 CFR
78 ... 6364

14 CFR
97 ... 6364
Proposed Rules:
21 ... 6468
73 ... 6382

16 CFR
13 ... 6366

17 CFR
Proposed Rules:
230 ... 6383
240 ... 6383
270 ... 6383

20 CFR
Proposed Rules:
299 ... 6383

21 CFR
Proposed Rules:
158 (7 documents) ... 6383–6386

29 CFR
1601 (2 documents) ... 6368

31 CFR
390 ... 6368

33 CFR
Proposed Rules:
207 ... 6386

40 CFR
60 ... 6458
Proposed Rules:
52 ... 6386

41 CFR
101–11 ... 6370

43 CFR
4 ... 6371
20 ... 6373
2650 ... 6371
4100 ... 6440

48 CFR
Proposed Rules:
Ch. 18 ... 6388

50 CFR
Proposed Rules:
17 ... 6388

Rules and Regulations

Federal Register
Vol. 49, No. 35
Tuesday, February 21, 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 54

Increase in Fees for Federal Meat Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: The Agricultural Marketing Service revises the hourly fee rates for voluntary Federal meat grading and certification services as the result of increased program costs. This amendment is hereby implemented on an interim basis due to the Agency's need to recover increased operating costs. It is also being published for comment to allow public participation in the rulemaking process.

DATES: Interim final rule effective March 1, 1984; comments must be received on or before March 31, 1984.

ADDRESS: Written comments may be mailed to Paul M. Fuller, Acting Chief; Meat Grading and Certification Branch; Livestock Division; Agricultural Marketing Service; Room 2631, U.S. Department of Agriculture; Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Paul M. Fuller (202/447-4727).

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This interim final rule has been reviewed in accordance with U.S. Department of Agriculture (USDA) procedures for implementing Executive Order 12291 and has been classified as a nonmajor rule pursuant to section 1(b) (1), (2), and (3) of that Order. Accordingly, a regulatory impact analysis of the ruling is not required.

This action also was reviewed under the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.)*. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this rule will not have a significant economic impact on a substantial number of small businesses because the nationwide average cost per pound of meat graded and/or certified will remain essentially unchanged—less than $.0014 per pound.

Background Information

The Agricultural Marketing Act (AMA) of 1946, as amended, empowers the Secretary of Agriculture to provide voluntary Federal meat grading and certification services to facilitate the orderly marketing of meats and meat products. The AMA also requires that hourly fees for Federal meat grading and certification services be collected from the users of the services and that hourly fees be sufficient to cover the program's operating costs. Program operating expenses include employee salaries and fringe benefits, supervisory costs, training, travel, and other administrative and overhead costs.

On January 8, 1984, Federal employees received a 3.5 percent pay increase under the Federal Pay Comparability Act of 1970. Employee salaries and fringe benefits are the largest expense in the program budget, accounting for approximately 80 percent of total operating expenses. Although recent program changes have improved program operating efficiency, the program is unable to absorb the cost of the January 8 pay increase without increasing fees or reducing the amount of supervision and training of meat grading and certification personnel. Reductions in supervision and training could adversely affect the nationwide uniformity and accuracy of the service causing economic inequities among segments of the meat industry.

Because increased revenues are needed immediately to recover the expense of the salary increase, it has been determined that the following amendment will be adopted on an interim basis effective March 1, 1984. A final rule will be issued after evaluation of comments received in response to this notice. Under the authority contained in sections 203 and 205 of the AMA, USDA hereby amends the regulations governing the Grading and Certification of Meats, Prepared Meats, and Meat Products (7 CFR Part 54) as follows:

List of Subjects in 7 CFR Part 54

Meat and meat products, Grading and certification, Beef, Veal, Lamb, and Pork.

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Section 54.27 is amended by revising paragraph (a) to read as follows:

§ 54.27 Fees and other charges for service.

(a) *Fees Based on Hourly Rates.* Except as otherwise provided in this section, fees for service shall be based on the time required to render the service, calculated to the nearest 15-minute period, including the time required for the preparation of certificates and travel of the official grader in connection with the performance of service. A minimum charge for one-half hour shall be made for service pursuant to each request notwithstanding that the time required to perform service may be less than 30 minutes. The base hourly rate shall be $25.60 per hour for work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on Federal legal holidays; $30.60 per hour for work performed before 6 a.m. or after 6 p.m., Monday through Friday, and anytime Saturday or Sunday except Federal legal holidays; and $51.20 per hour for all work performed on Federal legal holidays.

* * * * *

(Agricultural Marketing Act, sec. 203-205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C.: February 14, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-4513 Filed 2-17-84; 8:45 am]
BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Application for Crop Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby confirms as final, a revised Application for Crop Insurance. The intended effects of this rule are (1) to issue the application as a separate regulation to simplify the method of amending the application as a document dealing with all crop insurance regulations issued by FCIC; (2) to correct a portion of the present application which provides for automatic acceptance if no rejection of the application is made within 30 days; (3) to comply with the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981), with regard to review of these regulations; and (4) to confirm the interim rule as published.

EFFECTIVE DATE: February 21, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). It has been determined that this action constitutes a review under such procedures with respect to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is January 10, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

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

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

On Monday, January 10, 1983, FCIC published at 48 FR 1022, an interim rule issuing a new subpart in its general administrative regulations prescribing new procedures for applying for crop insurance. The public was given 60 days in which to submit written comments, data, and opinions on the rule, but none were received. Therefore, with the exception of minor and non-substantive changes in language, the interim rule is hereby made final to be effective for the 1983 and succeeding crop years.

Background

In order for a producer to secure crop insurance, an application is completed which provides data on the crop to be insured including the price election, coverage level, name and address of the applicant. The previous application (FCI–12) contained a provision that the application is accepted unless the applicant was notified of rejection within 30 days of the date of the application. In several cases, the Corporation had been in receipt of applications which, for a variety of reasons including non-payment of premium under a previous contract should normally have been rejected. However, due to the time the applications took to clear the acceptance process, or due to the application having been delayed in reaching FCIC for acceptance, the 30 days had elapsed. Therefore, FCIC was obliged to accept the applications which otherwise would have been rejected for cause.

Block No. 23 on the application has been changed to indicate that the insured has no other insurance of a like nature, rather than to state that the insured has received the policies and appendixes for the crop(s) shown on the application. The procedure for providing the insured with the policy and appendix has been changed and such material is forwarded to the insured upon processing of the application by the Corporation, rather than being given to the applicant at the time the application is made.

The application contained in this rule provides for an entry titled Alpha Election. This is for administrative purposes within FCIC and is used for calculating groups of elections to determine liability.

The Privacy Act Statement printed on the reverse side of the application has been amended to clarify the use made of the information provided, and is reproduced in this rule.

The application, as contained in this rule, will become applicable to all crop insurance regulations issued by FCIC to date (7 CFR Parts 400–442) and to future regulations issued by FCIC.

List of Subjects in 7 CFR Part 400D

Crop insurance, Application for crop insurance.

Final Rule

PART 400—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends Chapter IV of Title 7 of the Code of Federal Regulations, effective upon publication in the **Federal Register**, by revising § 400.38, The Crop Insurance application to read as follows:

BILLING CODE 3410-08-M

§ 400.38 The Crop Insurance application.

B. This application is hereby accepted by the Corporation except that the

§ 400.38 The Crop Insurance application.

-E-

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION
CROP INSURANCE APPLICATION
CONTINUOUS CONTRACT

1. Name of Applicant _____ 6. State [ ][ ] - County [ ][ ][ ] - 7. Contract Number [ ][ ][ ][ ][ ][ ]

2. Authorized Representative _____ 8. County _____ 9. State _____

3. Street or Mailing Address _____ 10. Identification Number [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ] [ ] 11. SSN--Tax [ ]

4. City and State _____ 5. Zip Code _____ 12 Type of Entity _____

13. Applicant is over 18: Yes___ No___ If no, Date of Birth _____

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table. The applicant elects from the actuarial table the coverage level, and where applicable, a price election or plan of insurance. THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE ON FILE IN THE SERVICE OFFICE FOR EACH CROP YEAR.

14. Effective Crop Year	15. Crop	16. Type, Class Plan of Ins.	17. Price Election or Amount of Insurance		18. Level Election	19. 20. 21. For Agency Use Only (A)	(P)
						[ ]	
						[ ]	
						[ ]	
						[ ]	
						[ ]	
						[ ]	
						[ ]	
						[ ]	

22. N S I O T-F U R

23. [ ] Crop(s) NOT insured the first year: _____ _____ _____

B. This application is hereby accepted by the Corporation except that the Corporation may reject the application on the basis that (1) the Corporation has determined that the risk is excessive under the provisions of the individual crop insurance regulations; (2) any material fact is concealed or misrepresented or fraud occurs in the application, or submission of the application; (3) the applicant is indebted to any United States Government Agency and that indebtedness is delinquent; (4) the applicant is indebted for crop insurance coverage provided by any company reinsured by the Corporation and that insurance is delinquent; (5) the applicant previously had crop insurance terminated for violation of the terms of the contract or the regulations, or for failure to pay the applicant's indebtedness; (6) the applicant is debarred by any United States Government Agency; or (7) the applicant has failed to provide complete and accurate information to material requests in this application. Rejection shall be accomplished by depositing notification thereof in the United States Mail, Postage Paid, to the above address. Unless rejection as provided above or the time for filing applications has passed at the time this application is filed, the contract shall be in effect for the crops and crop years specified, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the insurance policy(ies), the applicable appendix(ces), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates and, wherever applicable, the production guarantees, amounts of insurance, or plan of insurance, shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

24. [ ] Applicant does not have other like insurance on any of the above crops.

25. [ ] Previous Carrier_____ 26. Policy Number_____

27. _____ _____, 19__ [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Applicant's Signature 28. Date 29. Code Number

30. _____

Witness to Signature

31. Location of Farm Headquarters Phone:	32. Address of Your Service Office Phone:
SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974	33. Page ___ of ____ pages

COLLECTION OF INFORMATION AND DATA (PRIVACY ACT)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)):

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), and the regulations promulgated thereunder (7 CFR 400 et seq.). The information requested is necessary for FCIC to consider and process the application for insurance; to assist in determining the correct premium and indemnity; and to determine the correct parties to the insurance contract. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, other U.S. Department of Agriculture Agencies, the Internal Revenue Service, the Department of Justice or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing the social security number is voluntary and no adverse action will result from failure to do so. Furnishing the information other than the social security number, is also voluntary; however, failure to furnish the correct, complete information requested may result in rejection of the application and/or subsequent denial of any claim for indemnity which may be filed. The failure to supply correct, complete information may also invalidate the automatic acceptance provisions of Section B hereof and may substantially delay acceptance of the application and processing of any claim for indemnity.

BILLING CODE 3410-08-C

Done in Washington, D.C., on December 27, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: February 2, 1984.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3633 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 400

General Administrative Regulations; Late Planting Agreement Option Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith confirms as final, interim regulations effective for the 1983 and succeeding crop years prescribing procedures for the implementation of a Late Planting Agreement Option of insurance on certain crops, to be known as 7 CFR Part 400 General Administrative Regulations—Late Planting Agreement Option Insurance. The intended effect of this final rule is to confirm the interim rule and be responsive to insured producers who are unable to plant their crop(s) due to excess moisture before the final planting date contained in the regulations for insuring such crop(s). This rule confirms the interim rule published on January 10, 1983, at 48 FR 1021, and makes minor change in language and format for clarity.

EFFECTIVE DATE: February 21, 1984.

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

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

Information collection requirements contained in the regulations to which this final rule applies (7 CFR Parts 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438, have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007. Such control numbers are incorporated into each of these regulations.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined in Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (5 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of Federal Assistance Program to which these regulations applies are: Title—Crop Insurance; Number 10.450.

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

It has been determined that this action to promulgate regulations for the implementation of FCIC's Late Planting Agreement constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date established for these regulations is October 1, 1987.

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

On Monday, January 10, 1983, FCIC published an interim rule, in the **Federal Register** at 48 FR 1021, issuing a new subpart in its general administrative regulations to prescribe procedures for the implementation of a Late Planting Agreement Option on certain crops against late planting due to excess moisture. The interim rule, effective upon publication, was scheduled for review following a 60-day period to allow for public comment on the rule. The public was invited to submit written comments, data, and opinions on the rule, but none were received.

Background

In the past, many insured producers have been unable to plant their crop(s) due to excess moisture conditions, and in some cases of hardship, FCIC has extended that time for planting certain crops. In order to meet insured producers' needs for additional time to plant their crop(s) beyond the final planting date under the 21 individual crop insurance regulations, FCIC developed a Late Planting Agreement Option. In view of past administrative problems involved with extending planting dates, the development and use of the late planting option provides the flexibility necessary for insuring acreage when planting is delayed due to excess moisture, while maintaining the actuarial integrity of the insurance program. Insurance is available to individual insureds who do not finish planting by the final planting date. At the same time, any additional risk or reduced production is recognized by reducing the coverage 10 percent for each five days planting continues after the final planting date on that acreage planted late while maintaining the premium based on the guarantee or amount of insurance which was applicable on the final planting date.

List of Subjects in 7 CFR Part 400

Crop Insurance, Late planting agreement option.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises Subpart A to Part 400 of Title 7 of the Code of Federal Regulations, effective for the 1983 and succeeding crop years, as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart A—Late Planting Agreement Option; Regulations for the 1983 and Succeeding Crop Years

Sec.

400.1 Availability of the Late Planting Agreement Option.
400.2 Definitions.
400.3 Responsibilities of the insured.
400.4 Applicability to crops insured.
400.5 The Late Planting Agreement Option.

Authority: Sec. 508, Pub. L. 75-430, 52 Stat. 73, as amended (7 U.S.C. 1508)

Subpart A—Late Planting Agreement Option; Regulations for the 1983 and Succeeding Crop Years

§ 400.1 Availability of the Late Planting Agreement Option.

The Late Planting Agreement Option shall be offered under the provisions contained in 7 CFR Parts 402 through 499 within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), only on those crops identified in § 400.4 of this part. All provisions of the applicable contract for the insured crop apply, except those provisions which are in conflict with this part.

§ 400.2 Definitions.

All definitions contained in the applicable individual crop insurance regulations will apply to this subpart. In addition for the purposes of the Late Planting Agreement Option:

(a) "Final planting date" means the final planting date for the insured crop contained in the actuarial table on file in the service office.

(b) "Late Planting Agreement Option" means that agreement between the FCIC and the insured whereby the insured elects, and FCIC provides, insurance on acreage planted for up to 20 days after the applicable final planting date on file in the service office. The production guarantee applicable on the final planting date will be reduced on the acreage planted after the final planting date by 10 percent for each 5 days that the acreage is planted after the final planting date.

(c) "Production guarantee" means the guarantee level of production under the provisions of the applicable contract for crop insurance (sometimes expressed in amounts of insurance).

§ 400.3 Responsibilities of the insured.

The insured is solely responsible for the completion of the Late Planting Agreement Option and for the accuracy of the data provided. The provisions of this subsection shall not relieve the insured of responsibilities applicable under the provisions of the insurance contract.

§ 400.4 Applicability to crops insured.

The provisions of this subpart shall be applicable to the provisions of FCIC policies issued under the following regulations for insuring crops:

7 CFR Part 416	Peas
7 CFR Part 417	Sugarcane
7 CFR Part 418	Wheat
7 CFR Part 419	Barley
7 CFR Part 420	Grain Sorghum
7 CFR Part 421	Cotton
7 CFR Part 422	Potatoes
7 CFR Part 423	Flax
7 CFR Part 424	Rice
7 CFR Part 425	Peanuts
7 CFR Part 426	Combined Crop
7 CFR Part 427	Oats
7 CFR Part 428	Sunflowers
7 CFR Part 429	Rye
7 CFR Part 430	Sugar Beets
7 CFR Part 431	Soybeans
7 CFR Part 432	Corn
7 CFR Part 433	Dry Beans
7 CFR Part 434	Tobacco (Dollar Plan)
7 CFR Part 435	Tobacco (Quota Plan)
7 CFR Part 436	Tobacco (Guaranteed Production Plan)
7 CFR Part 437	Sweet Corn
7 CFR Part 438	Tomatoes

The Late Planting Option shall be applicable in all counties in which the Corporation offers insurance on the crops contained in 7 CFR Parts 416 through 438. A list of the counties is attached to each of the regulations listed above as Appendix A.

§ 400.5 The Late Planting Agreement Option.

The provisions of the Late Planting Agreement Option are as follows:

FCI–9

(1–83)

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Late Planting Agreement Option

Insured's Name _____
Address _____
_____
Contract No. _____
Crop Year _____
Crop _____

Notwithstanding the provisions of Section 2 of the policy regarding the insurability of crop acreage initially planted after the final planting date on file in the service office, I elect to have insurance provided on acreage planted for 20 days after such date which delay in planting was caused by excess moisture. Upon my making this election, the production guarantee or amount of insurance, whichever is applicable, will be reduced 10 percent for each five days or portion thereof that the acreage is planted after the final planting date. Each 10 percent reduction will be applied to the production guarantee or amount of insurance applicable on the final planting date. The premium will be computed based on the guarantee or amount of insurance applicable on the final planting date; therefore, no reduction in premium will occur as a result of my election to exercise this option. If planting continues under this Agreement after the acreage reporting date on file in the service office the acreage reporting date will be extended to 5 days after the completion of planting the acreage to which insurance will attach under this option.

Insured's Signature _____
Date _____
Corporation Representative's Signature and Code Number _____
Date _____

Done in Washington, D.C., on November 3, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: February 2, 1984.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84–3634 Filed 2–17–84; 8:45 am]

BILLING CODE 3410–08–M

---

7 CFR Part 408

Eastern United States Apple Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) revises and reissues the Eastern United States Apply Crop Insurance Regulation (7 CFR Part 408), effective with the 1984 and succeeding crop years, in compliance with the provisions of Secretary's Memorandum No. 1512–1, which requires that no regulation remain in effect for more than five years without review as to the need, currency, clarity, and effectiveness of such regulations. FCIC has completed such review and herewith publishes as a final rule, its changes in these regulations. The policy for insuring apples in the Eastern United States has been changed to: (1) Provide an easy to read format; (2) provide for the use of the establishment of a production guarantee using actual production records; (3) add drought, fire, earthquake, volcanic eruption, and fruit-set failure as causes of loss; (4) provide that insurance will attach only on acceptable acreage producing a minimum of 150 bushels per acre instead of basing such determination on minimum age and numbers of trees; (5) permit determination of indemnities based on the acreage report including production records for the preceding year; (6) provide a coverage level when an insured does not select one; (7) show different insurance period dates to conform with farming practices; (8) remove the 7-day notice of damage provision and include "harvest of the unit" in the 30-day notice of loss provision; (9) add a 60-day claim for indemnity provision; (10) adjust for quality by the difference between the value of damaged apples and undamaged processing apples; (11) provide for appraisals following the end of the insurance period for unharvested acreage; (12) add a hail/fire provision for appraisals of uninsured causes; (13) add a provision to clarify FCIC's liability in cases of loss by fire; (14) change the cancellation/termination dates to conform with farming practices; (15) provide that any change in the policy will be available in the service office by a certain date; (16) define "fruit-set failure;" (17) add a definition for "service office;" (18) provide for unit determination when the acreage report is filed; and (19) add three sections concerning "descriptive headings", "determination", and "notices."

EFFECTIVE DATE: March 22, 1984.

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

The Impact Statement describing the options considered in developing this rule and the impact of implementing

each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). It has been determined under such procedures that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined in Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden on individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Thursday, August 4, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 35423, revising and reissuing the policy for insuring apples in the Eastern United States in accordance with the provisions of Secretary's Memorandum No. 1512–1, and issuing a new subsection to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions on the rule. Three such comments were received, all expressing concern over the amended quality provision regarding apples which did not grade U.S. No. 1.

One of the respondents interpreted this provision of the policy appearing in the proposed rule as being an elimination of the hail damage from the policy. Another expressed concern that the amended provision should not be made applicable until 1985.

In reviewing the comments, FCIC determined that the proposed rule as published did contain a limited quality provision. It did not eliminate the hail provision, but significantly reduced the indemnity payments as a result of hail damage. Under this final rule the insured may elect to avoid that difficulty.

The proposed rule, as published, provided a "cider" grade method which, compared to the U.S. No. 1 method, had the effect of reducing the percent of damage from 100 percent to zero, if the fruit is graded "cider" or better. Only when the fruit is graded below a "cider" grade does the percent of damage reach 100 percent.

A fresh fruit option will be available. This option will establish a variable percent of damage which would be substantially greater than the "cider" method.

This option will recognize the loss in quality due to hail damage by measuring the loss in value. It also provides a program which is less expensive to the producers and actuarially sound for the Corporation.

FCIC has determined that it is not feasible to remain with the current policy's quality provision, due primarily to the continued expected loss experience (more than 50 percent of all losses were the result of poor quality below U.S. No. 1 processor grade). In order to deal in a responsible manner with concerns expressed by the respondents. This final rule incorporates the following actions:

1. The quality provision as it appeared in 48 FR 35423 will remain unchanged for those producers who do not see this quality provision as a problem and who are interested in the lowest possible rates for insurance protection.

2. For the producers in North Carolina, Virginia, and West Virginia, who view the quality provision differently, a fresh fruit option will be available. A producer may agree in writing to an option amendment which will provide for a quality adjustment based on the relationship between the price for U.S. No. 1 apples and the damaged apples.

3. Premium rates have been reviewed and changed to reflect these situations. Such changes should be acceptable to apple producers, particularly in Henderson County, North Carolina where the level 3 county average base rate has decreased from 22.5 percent for 1983 to 10.1 percent. For producers who elect to have the fresh fruit option, the rate will be approximately 15 to 16 percent. Both rates are substantially lower than the current rate.

In addition, FCIC hereby issues a new subsection to prescribe procedures providing the insured apple grower with a Fresh Fruit Option as an adjunct to the insurance provided under these regulations.

Therefore, with the exception of minor and non-substantive changes in language, the new subsection and the Fresh Fruit Option described above, the proposed rule is hereby published as a final rule to be effective beginning with the 1984 crop year.

List of Subjects in 7 CFR Part 408

Crop insurance, Apples.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation herewith revises and reissues the Eastern United States Apple Crop Insurance Regulations (7 CFR Part 408), effective for the 1984 and succeeding crop years, to read as follows:

PART 408—EASTERN UNITED STATES APPLE CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

408.1 Availability of Eastern U.S. apple insurance.
408.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
408.3 OMB control numbers.
408.4 Creditors.
408.5 Good faith reliance on misrepresentation.
408.6 The contract.
408.7 The application and policy.
408.8 Eastern U.S. Apple Fresh Fruit Option.
Appendix A—Counties Designated for Eastern U.S. Apple Insurance

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

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 408.1 Availability of Eastern U.S. apple insurance.

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

§ 408.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which

indemnities shall be computed for apples which will be included in the actuarial table on file in service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 408.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 408) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 408.4 Creditors.

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

§ 408.5 Good faith reliance on misrepresentation.

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

§ 408.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the apple crop as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 408.7 The application and policy.

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

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

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

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

The provisions of the Eastern United States Apple Crop Insurance Policy are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Eastern U.S. Apple—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Drought;
(2) Frost;
(3) Freeze;
(4) Wind;
(5) Hail;
(6) Fire;
(7) Earthquake;
(8) Volcanic eruption; or
(9) Fruit-set failure;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(4).

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

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good apple management practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be a variety of apples established as adapted to the area, which is located on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be apples located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured apples at the time insurance attaches.

d. We do not insure any acreage:

(1) Which has not produced a minimum of 150 bushels per acre; or

(2) Which we inspect and consider not acceptable.

e. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the time insurance attaches.

3. Report of acreage, share, yield, and number of trees.

You shall report on our form:

a. All the acreage of apples in the county in which you have a share;

b. Your share at the time insurance attaches;

c. The number of bearing trees; and

d. The number of bushels produced from the preceding crop year's insurable acreage on each unit.

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

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

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

Insurance on insured acreage attaches for each crop year on November 21 and ends at the earliest of:

a. Total destruction of the apples;

b. Harvest of the apples from the unit;

c. Final adjustment of a loss;

d. The earlier of:

(1) The end of the normal harvest period by variety for the crop year; or

(2) November 20 of the crop year.

8. Notice of damage or loss.

a. In case of damage or probable loss you must give us written notice of the date(s) and cause(s) of damage as follows:

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

(2) If probable loss is later determined or damage occurs during harvest, immediate notice shall be given.

b. In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the apples on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

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

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the production guarantee;

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

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

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

e. The total production to be counted for a unit shall include all harvested and appraised production which is marketable.

(1) Appraised production to be counted shall include:

(a) Unharvested marketable production, and potential production lost due to uninsured causes and failure to follow recognized good apple management practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our consent.

(2) Any appraisal we have made on insured acreage shall be considered production to count unless such appraised production:

(a) Is not harvested before the harvest of apples becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause.

(3) We may determine the amount of production of any unharvested apples on the basis of field appraisals conducted after the end of the insurance period.

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

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

f. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are November 20.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of Eastern U.S. apple crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding apple insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall also be considered contiguous.

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

d. "Crop year" means the period beginning with the date insurance attaches to the apples and extending through the normal harvest time and shall be designated by the calendar year in which the apples are normally harvested.

e. "Eastern U.S." means those states east of a line extending North-South along the eastern state boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

f. "Fruit-set failure" means failure of the apple trees to develop blossoms or set fruit due only to adverse weather conditions, but shall not include poor pollination resulting from inadequate pollinizers in the orchard or failure to set fruit due to spray damage or other manageable causes.

g. "Harvest" means the picking of marketable apples from the trees or from the ground.

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

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

j. "Marketable" means apples which grade U.S. No. 1, 2 or Cider in accordance with the United States Standards for Apples for Processing.

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

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

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

n. "Unit" means all insurable acreage of apples in the county which are located on contiguous land at the time insurance attaches for the crop year:

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

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

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

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

§ 408.8 Eastern U.S. apple fresh fruit option.

(a) Notwithstanding the provisions of § 408.7(d)9.e. of this part, an insured producer may, upon submission and approval of a Fresh Fruit Option Amendment approved by the Corporation, elect to insure any insurable acreage in which the insured has a share, or any designated portion thereof, under the provisions of the Fresh Fruit Option, providing (1) that only apple acreage which is managed with the intent of producing fresh-market apples shall be insurable under this option, (2) that where management practices are carried out for the production of both fresh and processing apples on insurable acreage and the election is made to insure apples for fresh use under this option and those intended for processing under the Eastern U.S. Apple policy, the election to insure on both a fresh and processing basis must be made when the Fresh Fruit Option Amendment is submitted, and (3) the Fresh Fruit Option Amendment shall be applicable for the current crop year. A new option amendment must be submitted for each subsequent crop year.

(b) For those insureds who elect to insure apples under the Fresh Fruit Option Amendment, all provisions of the Eastern U.S. Apple crop insurance policy shall apply, except those provisions in conflict with the amendment as outlined below:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Eastern U.S. Apple Crop Insurance Policy
Fresh-Market Quality Option Amendment

Insured's Name ———————
Address ———————
Contract No. ———————
Crop Year ———————
Identification No. ———————
SSN——— Tax———

When you submit a signed Fresh-Market Quality Option Amendment each crop year on or before the final date for accepting applications and we approve such amendment, apples from your insurable acreage, or designated portion thereof, will be adjusted for quality on a fresh-market basis subject to the following conditions:

(1) You must insure all the acreage of apples in the county in which you have a share regardless of the intended use (fresh market or processing). Only that apple acreage which is managed with the intent of producing fresh-market apples will be adjusted according to the quality procedures provided by this amendment.

(2) Where you carry out management practices for the production of both fresh-market and processing apples on your insured acreage, you may elect to insure your apples for fresh market under the quality provisions of this amendment and those intended for processing under the quality provisions of the Eastern U.S. apple policy. Your election to insure on both a fresh-market and processing basis is made when the amendment. Separate line entries according to use will be required on the acreage report.

(3) In lieu of sections 9e and 17j of the policy, your production to count for any acreage designated for fresh market will be adjusted when your apples are damaged by insurable causes to the extent that such apples will not grade U.S. No. 1 (processor grade). The adjustment factor (not to exceed 1) will be the ratio of the average market price received by you or determined by us, whichever is larger, for your damaged production to the average market price for U.S. No. 1 (processor grade) apples. There will be no adjustment for quality if the apples do not grade U.S. No.1 because of size, color or russeting.

(4) Your premium rate will be the applicable area rate shown on the actuarial table for the fresh-market quality amendment.

(5) All provisions of the Eastern U.S. apple policy not in conflict with this amendment will be applicable.

(6) All deteminations regarding the provisions of this amendment will be made by us.

(7) This amendment is not continuous. A new amendment must be submitted each crop year to take advantage of the fresh-market option.

Insured's Signature ———————
Date ———————
Corporation Representative's Signature and Code Number———————
Date ———————

Following is the Privacy Act Statement found on the reverse side of the Eastern U.S. Apple Insurance/Fresh Market Option:

Collection of Information and Data (Privacy Act)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)):

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and the regulations for insuring apples under the Eastern U.S. Apple Crop Insurance Regulations promulgated thereunder (7 CFR Part 408). The information requested is necessary for FCIC to process

the option to insure apples to determining the correct premium and indemnity; and to determine the correct parties to the insurance contract. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, other U.S. Department of Agriculture Agencies, Internal Revenue Service, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal.

Furnishing the Social Security number is voluntary and no adverse action will result from failure to do so. Furnishing the information other than the Social Security number, is also voluntary; however, failure to furnish the correct, complete information requested may result in rejection of the option for insuring apples, and/or subsequent denial of any claim for indemnity which may be filed under such option. The failure to supply correct, complete information may substantially delay acceptance of the Fresh Market Apple Option, and/or any subsequent claim for indemnity.

Appendix A.—Counties Designated for Eastern Apple Crop Insurance

The following counties are designated for Eastern Apple Crop Insurance under the provisions of 7 CFR 408.1.

New York

Ulster Wayne

North Carolina

Alexander Henderson Wilkes
Cleveland Lincoln

Pennsylvania

Adams

Virginia

Frederick

West Virginia

Berkeley

Done in Washington, D.C., on December 16, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: February 2, 1984.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3629 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

---

7 CFR Part 409

[Amdt. No. 1]

Arizona-California Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Arizona-California Citrus Crop Insurance Regulations (7 CFR Part 409), effective for the 1985 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) providing the damage due to fire is insurable only where good grove management practice related to weed control and pruning debris are carried out; (3) adding volcanic eruption as an insurable cause of loss; (4) adding a provision to permit determination of indemnities based on the acreage report rather than at loss adjustment time, (5) providing for a coverage level if the insured does not select one; (6) adding a 60-day claim for indemnity provision; (7) adding a section regarding appraisals following the end of the insurance period for unharvested acreage; (8) adding a hail/fire section for appraisals of uninsured acreage; (9) changing the cancellation/termination dates to conform with farming practices; (10) providing that any change in the policy will be available in the service office by a certain date; (11) providing for unit determination when the acreage report is filed; and (12) adding three sections concerning "descriptive headings," "determinations," and "notices." In addition, FCIC issues a new subsection in these regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring citrus in Arizona and California in accordance with Secretary's Memorandum No. 1512-1, requiring a periodic review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements of FCIC's regulations.

EFFECTIVE DATE: March 22, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Corporation Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, during regular business hours, Monday through Friday.

On Thursday, June 23, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 28652, amending the policy for insuring citrus in Arizona and California in accordance with the provisions of Secretary's Memorandum No. 1512-1. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received.

In reviewing the regulations for publication as a final rule, FCIC determined that further amendment to the rule was necessary to (1) include the OMB control numbers assigned to information collection requirements in the regulations, and (2) add two additional sections to define "Definitions" and "Notices." These changes have been made and are included herein.

Therefore, with the exception of, minor and non-substantive changes in language and the changes referred to above, the proposed rule is hereby published as a final rule to be effective with the 1985 crop year.

List of Subjects in 7 CFR Part 409

Crop insurance. Arizona-California citrus.

PART 409—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Arizona-California Citrus Crop Insurance Regulations (7 CFR Part 409), effective for the 1985 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 409 is:

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

2. 7 CFR 409.3 is added to read as follows:

§ 409.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 409) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

3. 7 CFR 409.7(c) is amended by revising the Arizona-California Citrus Crop Insurance Policy therein to read as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Arizona-California Citrus—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption; or

(6) Direct Mediterranean Fruit Fly damage;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(7). Direct Mediterranean Fruit Fly damage shall be actual physical damage to the citrus on the unit which causes such citrus to be unmarketable and shall not include unmarketability of such citrus as a result of quarantine, boycott, or refusal to accept the citrus by any entity without regard to actual physical damage to such citrus.

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

(1) Fire, where weeds and other forms of undergrowth have not been controlled or tree pruning debris has not been removed from the grove;

(2) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(3) The failure to follow recognized good citrus grove practices;

(4) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(5) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be any of the citrus types listed below which you elect:

Type I—Navel oranges;
Type II—Sweet oranges;
Type III—Valencia oranges;
Type IV—Grapefruit;
Type V—Lemons;
Type VI—Kinnow mandarins;
Type VII—Minneola tangelos;
Type VIII—Orlando tangelos;

which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be that acreage of citrus in Arizona and California located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured citrus on the date insurance attaches.

d. We do not insure any acreage:

(1) Which is not irrigated; or

(2) On which the trees have not reached the sixth growing season after being set out.

e. We require a written agreement for insurance to attach to any acreage with less than 90 percent of a stand, based on the original planting pattern.

f. We do not insure any loss of production caused by:

(1) The failure to carry out a good citrus irrigation practice, except failure of the water supply after insurance attaches due to an unavoidable cause; or

(2) The failure or breakdown of irrigation equipment or facilities.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, yield, and practice.

You shall report on our form:

a. All the acreage of each insured citrus type in the county in which you have a share;

b. The practice;

c. Your share at the time insurance attaches; and

d. The most recent year's production for insurable acreage on each unit.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any citrus grown in the county. This report shall be submitted annually on or before December 10. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities will be contained in the actuarial table.

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

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

(1) The contract of your estate or surviving spouse if you die;

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

Insurance on insured acreage attaches for each crop year on December 1 prior to such crop year and ends at the earliest of:

a. Total destruction of the citrus;

b. Harvest of the citrus;

c . Final adjustment of a loss; or

d. The date shown below immediately following the year in which the bloom is normally set:

(1) August 31 for Navel oranges and Southern California Lemons;

(2) November 30 for Valencia oranges; or

(3) July 31 for all other types of citrus.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice promptly:

(a) After insured damage to the citrus becomes apparent giving date(s) and cause(s) of such damage; or

(b) If you decide not to further care for or harvest any part of them.

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

(3) If probable loss is later determined, immediate notice shall be given. If harvest will begin after the end of the insurance period, notice shall be given on or before the calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the citrus which is not to be harvested.

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the production guarantee;

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

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

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

e. If frost protection equipment was not property utilized or not properly reported, the indemnity for the unit will be reduced by the percentage of premium reduction allowed for frost protection equipment. You shall keep records showing the starting and ending time for each period the frost protection equipment was used.

f. The total production (cartons) to be counted for each unit shall include all harvested production marketed as fresh packed fruit and all appraised production which could be is marketable as fresh packed fruit.

(1) Any production shall be considered marketed or marketable as fresh packed fruit unless such production was not marketed or marketable as fresh packed fruit due to insurable causes.

(2) In the absence of acceptable records to determine the disposition of harvested citrus, we will determine such disposition and the amount of such production to be counted for the unit.

(3) Appraised production to be counted will include:

(a) Unharvested production, on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good citrus grove practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed by you without our consent;

(c) Any appraised production on unharvested acreage.

(4) Any appraisal we have made on insured acreage shall be considered production to count unless such appraised production:

(a) Is not harvested before harvest of the insured citrus type becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause.

(5) Citrus which cannot be marketed due to insurable causes will not be considered production.

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

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

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

g. You shall not abandon any acreage to us.

h. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must

bring suit within 12 months of the date notice of denial is mailed to and received by you.

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to grove.

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

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are November 30 for Arizona and California.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you will be deemed to have elected. All contract changes shall be available at your service office by August 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of Arizona-California citrus crop insurance:

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

b. "Carton" as to each insured citrus type means the standard container for marketing fresh packed fruit as shown below by citrus type. In the absence of marketing records on such a carton basis, production shall be converted to cartons on the basis of the following average net pounds of packed fruit in a standard packed carton.

Container size	Types of fruit	Pounds
Container #58	Navel oranges, Valencia oranges and Sweet oranges.	38
Container #58	Lemons	40
Container #59	Grapefruit	32
Container #63	Tangerines (including Tangelos) and Mandarin oranges.	25

c. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

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

e. "Crop year" means the period beginning with the date insurance attaches to the citrus crop and extending through normal harvest time, and shall be designated by the calendar year following the year in which the bloom is normally set.

f. "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

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

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

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

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

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

l. "Unit" means all insurable acreage of any one of the citrus types referred to in section 2 of this policy, located on contiguous land, on the date insurance attaches for the crop year:

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

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

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

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

4. The "Appendix (Additional Terms and Conditions)" is removed.

5. Appendix A to Part 409 is revised to read as follows:

Appendix A—Counties Designated for Arizona-California Citrus Crop Insurance

The following counties are designated for Arizona-California Citrus Crop Insurance under the provisions of 7 CFR 409.1

Arizona	
Maricopa	Yuma
California	
Fresno	San Diego
Kern	Tulare
Riverside	

Done in Washinton, D.C., on December 27, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: February 13, 1984.

[FR Doc. 84-4534 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

---

7 CFR Part 410

[Amendment No. 1]

Florida Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Florida Citrus Crop Insurance Regulations (7 CFR Part 410), effective for the 1984 and succeeding crop years by: (1) Replacing the present single-crop application with a multi-crop application to reduce the time and administrative requirements; (2) adding fire as an insurable cause of loss; (3) prescribing interest rates to be charged when premium payments are not made within a certain time; (4) requiring the insured to file a notice of loss when the crop is damaged to the extent that a loss is probable, and leave a representative sample of the unharvested crop; and (5) making minor language changes in the policy.

In addition, FCIC hereby issues two new policy sections regarding "descriptions" and "notices", and a new section to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations.

The intended effect of this amendment is to confirm the interim rule published April 8, 1983 at 48 FR 15228, and restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage to insured crops, simplify the application and policy to make them easier to understand, comply with the OMB regulations with regard to control numbers assigned to information collection requirements, and update the policy for insuring citrus in Florida in accordance with the provisions of Secretary's Memorandum No. 1512-1.

EFFECTIVE DATE: February 21, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). It has been determined that this action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is January 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Friday, April 8, 1983, FCIC published an interim rule in the **Federal Register** at 48 FR 15228, amending the policy for insuring citrus in Florida in accordance with the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The public was given 60 days in which to submit written comments, data, and opinions on the rule, but none were received. In reviewing the regulations prior to issuance as a final rule, it was determined that two additional subsections should be included regarding "determinations" and "notices", a new section should be included to contain control numbers assigned by OMB to information collection requirements contained in these regulations, and the section regarding good faith reliance on misrepresentation provisions should be amended to reflect the Manager's authority to take action to grant relief in such cases at a higher dollar level. These amendments have been included in the regulations contained herein.

List of Subjects in 7 CFR Part 410

Crop insurance, Florida citrus.

PART 410—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Florida Citrus Crop Insurance Regulations (7 CFR Part 410), published in the **Federal Register** at 46 FR 22559 on Monday, April 20, 1981, effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 410 is:

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

2. 7 CFR 410.3 is added to read as follows:

§ 410.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 410) have been

approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 410.5 [Amended]

3. 7 CFR 410.5(b) is amended by removing the word "$20,000" and inserting in its place, the word "$100,000."

4. 7 CFR 410.7(d) is revised to read as follows:

§ 410.7 The application and policy.

* * * * *

(d) The application for 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Florida Citrus Insurance Policy for the 1984 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Florida Citrus—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of citrus fruit resulting from the following causes occurring within the insurance period: (1) Freeze, (2) hail, (3) fire, (4) hurricane or tornado unless those causes are excepted, excluded, or limited by the actuarial table or section 9k.

b. We shall not insure against:

(1) Any damage to the blossoms or trees;

(2) Any damage to the fruit or trees resulting from fire, where weeds and other forms of undergrowth have not been controlled or tree prunings have not been removed from the grove; or

(3) Any cause of loss or damage due to:

(a) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(b) The failure to follow recognized good grove management practices; or

(c) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be any of the following insurable citrus types you elect:

Type I—Early and mid-season oranges;
Type II—Late oranges;
Type III—Grapefruit under which freeze damage shall be adjusted on a juice basis for white grapefruit and on a fresh fruit basis for pink and red grapefruit;
Type IV—Navel oranges, tangelos and tangerines;
Type V—Murcott honey oranges (also known as Honey tangerines) and temple oranges;
Type VI—Lemons;
Type VII—Grapefruit under which freeze damage shall be adjusted on a fresh basis for all grapefruit;

which are located on insured acreage and for which we provide an amount of insurance and premium rate in the actuarial table. "Meyer lemons" and oranges commonly known as "Sour oranges", and "Clementines" shall not be included in any of the insurable types of citrus. When you insure grapefruit, you may elect to insure them as either Type III or Type VII only.

b. The acreage insured for each crop year shall be that citrus located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches.

d. We do not insure any acreage:

(1) On which the citrus fruit cannot be expected to mature each crop year in the normal maturity period for the type;

(2) On which the trees have not reached at least the tenth growing season after being set out, unless otherwise provided on the actuarial table; or

(3) Of Robinson tangerines, for any crop year, which you elect to exclude from insurance by April 30 preceding the crop year.

e. Upon our approval, you may elect to insure or exclude from insurance for any crop year any insurable acreage which has a potential of less than 100 boxes per acre. If you:

(1) Elect to insure such acreage, we shall increase the potential to 100 boxes per acre when determining the amount of loss;

(2) Elect to exclude such acreage, it shall be disregarded for all purposes related to this contract; or

(3) Do not report or exclude such acreage:

(a) It will be disregarded if the production is less than 100 boxes per acre; or

(b) If the production from such acreage is 100 or more boxes per acre, will the percent of damage on all of the insurable acreage for the unit will be determined, but the percent of damage for the unit will not be increased by including such acreage.

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

g. We may exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

3. Report of acreage and share.

You shall report on our form:

a. All the acreage of insured citrus in the county in which you have a share; and

b. Your share.

You must designate separately any acreage that is not insurable or excluded under section 2e. You must submit a revised report for any crop year before May 1 if the insured acreage or your share has changed or if you do not have any insured acreage in the county. The latest report filed must be considered as the basis for the continuation of insurance. If you do not submit this report before May 1, we may elect to determine by unit the insured acreage and share, or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance.

a. The amounts of insurance must be contained in the actuarial table.

b. You may change the amount of insurance on or before the cancellation date.

5. Annual premium.

a. The annual premium is earned and payable at the time insurance attaches (See 7a). The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time insurance attaches, times the applicable premium adjustment percentage shown in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80

PREMIUM ADJUSTMENT TABLE [1]—Continued

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

(1) The contract of your estate or surviving spouse if you die;

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

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

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

a. Insurance attaches on insured acreage on May 1 for each crop year except that for the first crop year if the application is accepted by us after May 1, insurance will attach on the tenth day after the application is received in the service office.

b. Insurance ends at the earliest of:

(1) Total destruction of the insured citrus;

(2) Harvest; or

(3) The date shown below immediately following the beginning of the crop year:

(a) Tangerines and Navel oranges—January 31;

(b) Lemons, tangelos, early and mid-season oranges—April 30;

(c) Late oranges, grapefruit, Temple and Murcott Honey oranges—the second June 30.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice of:

(a) The date(s) of damage; and

(b) The cause(s) of damage.

(2) If an indemnity is to be claimed on any unit, you must give us notice:

(a) At least 15 days before the beginning of harvest if you anticipate a loss on any unit (if damage becomes apparent later or if damage occurs during harvest, immediate notice shall be given); or

(b) By the calendar date for the end of the insurance period if harvest will not begin by that date.

b. You must obtain written consent from us before you destroy any of the insured citrus which is not to be harvested.

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

9. Claim for indemnity.

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

(1) Total destruction of the insured citrus on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of citrus on the unit and that any damage has been directly caused by one or more of the insured causes during the insurance period; and

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

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

(1) Computing the average percent of damage to the citrus which (without regard to any percent of damage arrived at through prior inspections) will be the ratio of the number of boxes of citrus lost from an insured cause to the potential. Citrus shall be considered undamaged potential if it:

(a) Is or could be marketed as fresh fruit;

(b) Is harvested prior to our inspection; or

(c) Is harvested within 7 days after a freeze;

(2) Multiplying the result in excess of 10 percent (e.g., 45%−10%=35% payable) times the amount of insurance for the unit (the amount of insurance for the unit is determined by multiplying the insured acreage on the unit times the applicable amount of insurance per acre); and

(3) Multiplying this product by your share.

d. Pink and red grapefruit of citrus Type III and citrus of Types IV, V, and VII which are seriously damaged by freeze as determined by a fresh fruit cut of a representative sample of fruit in the unit in accordance with the applicable provisions of the Florida Citrus Code and is not or could not be marketed as fresh fruit will be considered damaged to the following extent:

(1) If 15 percent or less of the fruit in a sample shows serious freeze damage, the fruit shall be considered undamaged; or

(2) If 16 percent or more of the fruit in a sample shows serious freeze damage, the fruit will be considered 50 percent damaged, except that:

(a) For tangerines of citrus Type IV, damage in excess of 50 percent will be the actual percent of damaged fruit; and

(b) For other varieties, if we determine that the juice loss in the fruit exceeds 50 percent, the amount so determined shall be considered the percent of damage.

e. Notwithstanding the provisions of 9d, as to any pink and red grapefruit of Type III and citrus of Types IV, V, and VII in any unit which is mechanically separated (using the

specific gravity "floatation" method) into undamaged and freeze-damaged fruit, the amount of damage shall be the actual percent of freeze-damaged fruit not to exceed 50 percent and shall not be affected by subsequent fresh-fruit marketing. The 50 percent limitation on freeze-damaged fruit, mechanically separated, shall not apply to tangerines of citrus Type IV.

f. Any citrus of Types I, II, VI, and white grapefruit of Type III which is damaged by freeze, but may be processed by canning or processing plants, shall be considered as marketable for juice. The percent of damage shall be determined by us by relating the juice content of the damaged fruit as determined by test house analysis to:

(1) The average juice content established by us based on acceptable records furnished by you showing the juice content of fruit produced on the unit for the three previous crop years; or

(2) The juice content for that type fruit established in the actuarial table if acceptable records are not furnished.

g. Any citrus on the ground which is not picked up and marketed shall be considered 90 percent lost if the damage was due to freeze and totally lost if the damage was due to any other insured cause.

h. Any citrus which is unmarketable either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption due to an insured cause shall be considered totally lost.

i. Pink and red grapefruit of citrus Type III and citrus of Types IV, V, and VII which are unmarketable as fresh fruit due to serious damage from hail as defined in United States Standards for grades of Florida fruit shall be considered totally lost.

j. Citrus lost due to hurricane or tornado shall be the amount of citrus blown from the trees or which falls from the trees as a result of such damage and which is not picked up from the ground and marketed.

k. When you have elected to exclude hail and fire as insured causes of loss and the citrus is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

l. The commingled production of units shall be allocated to such units in proportion to our liability on each unit.

m. You will not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to grove.

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

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are April 30;

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table will provide the amount of insurance which you will be deemed to have elected. All contract changes will be available at your service office by April 15 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of Florida citrus crop insurance:

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

b. "Box" means a standard field box as prescribed in the Florida Citrus Code.

c. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

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

e. "Crop year" means the period beginning May 1 and extending through June 30 of the following year and will be designated by the calendar year in which the insurance period ends.

f. "Harvest" means the severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means or picking up the marketable fruit from the ground.

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

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

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

j. "Potential" means production:

(1) Which would have been produced before damage occurred and shall include citrus which:

(a) Was picked before damage occurred;

(b) Remained on the tree after damage occurred;

(c) Was lost from an insured cause; and

(d) Was lost from an uninsured cause.

(2) The potential shall include not less than the product of 100 boxes per acre multiplied by the number of acres in the unit. *However*, if 20 percent or more of any insured citrus acreage within the unit has a potential of less than 100 boxes per acre, we may increase the potential on such acreage to 100 boxes per acre.

(3) The potential shall not include:

(a) Citrus lost before insurance attaches for any crop year;

(b) Citrus lost by normal dropping; or

(c) Any tangerines we determine normally would not, by the end of the insurance period for tangerines, meet the 210 pack size (2 and 1/16 inch minimum diameter) under United States Standards.

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

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

m. "Unit" means all insurable acreage in the county of any one of the citrus types referred to in section 2, located on contiguous land on the date insurance attaches for the crop year and:

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

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

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

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

§ 410.7 [Amended]

5. Section 410.7 is amended in the application and policy by removing the "Appendix (Additional Terms and Conditions)".

6. Appendix B to Part 410 is redesignated as Appendix A and revised to read as follows:

APPENDIX A—Counties Designated for Florida Citrus Crop Insurance

The following counties are designated for Florida Citrus Crop Insurance under the provisions of 7 CFR 410.1.

Florida

Brevard	Highlands	Orange
Broward	Hillsborough	Osceola
Collier	Indian River	Palm Beach
Dade	Lake	Pasco
De Soto	Lee	Polk
Glades	Manatee	St. Lucie
Hardee	Marion	Seminole
Hendry	Martin	
Hernando	Okeechobee	

Done in Washington, D.C. on December 28, 1983.

Dated: February 2, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3636 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

---

7 CFR Part 414

[Amdt. No. 2]

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Forage Seeding Crop Insurance Regulations (7 CFR Part 414), effective for the 1984 and succeeding crop years by: (1) Replacing the present single-crop application with a multi-crop application to reduce time and administrative requirements; (2) adding a modified version of the 60-day claim for indemnity provision adapted to forage seeding crop insurance; (3) adding a hail/fire provision (for use in appraisals for uninsured causes); (4) changing the cancellation and termination for indebtedness dates; and (5) revising the unit definition to provide for unit determination when the acreage report is filed. In addition to these changes, and applicable only in New York State, the following changes are made: (6) providing that the insured crop now includes acreage reseeded before the final spring seeding date; (7) providing that a notice must be given if the acreage is to be reseeded by the final spring seeding date; and (8) adding a 50 percent reduction in indemnity on spring-seeded acreage with a 55–75 percent of a normal stand.

In addition, FCIC issues two new subsections in the policy regarding "Definitions" and "Notices," and a new regulatory section containing control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this amendment is to confirm the interim rule published on April 8, 1983 at 48 FR 15232, and comply with OMB regulations regarding information collection control numbers.

EFFECTIVE DATE: February 21, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). It has been determined that this action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is January 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop

Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Friday, April 8, 1983, FCIC published an interim rule in the **Federal Register** at 48 FR 15232, amending the policy for insuring forage seeding in accordance with the provisions of Secretary's Memorandum No. 1512–1. The public was given 60 days in which to submit written comments, data, and opinions on the action, but none were received. In reviewing the regulations FCIC determined that two additional subsections should be added regarding "Determinations" and "Notices". Further, a section is hereby added to contain the OMB control numbers assigned to information collection requirements of these regulations.

List of Subjects in 7 CFR Part 414

Crop insurance, Forage seeding.

PART 414—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Forage Seeding Crop Insurance Regulations (7 CFR Part 414), effective for the 1984 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 414 is:

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

2. 7 CFR 414.3 is revised to read as follows:

§ 414.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 414) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control numbers 0563–0003 and 0563–0007.

3. § 414.7 is amended by revising paragraph (d) to read as follows:

§ 414.7 The application and policy.

* * * * *

(d) The application for 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Forage Seeding Insurance Policy for the 1984 and succeeding crop years, are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Forage Seeding—Crop Insurance Policy

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

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

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of or failure to establish a stand of forage resulting from any of the following causes occurring within the insurance period: (1) Adverse weather conditions; (2) fire; (3) insects; (4) plant disease; (5) wildlife; (6) earthquake; or (7) volcanic eruption unless those causes are excepted, excluded, or limited by the actuarial table or section 9h.

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

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good forage seeding practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be forage seeded or reseeded (hereafter called the crop) to establish a stand of forage intended for harvest as livestock feed; which is seeded on insured acreage; and for which an amount of insurance and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be acreage of the crop seeded on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured crop at the time of seeding.

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided for in the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed, it is practical to reseed to the crop, and such acreage was not reseeded;

(4) Initially seeded after the final seeding date contained in the actuarial table;

(5) Of volunteer forage;

(6) Seeded to a type, variety or mixture not established as adapted to the area or excluded in the actuarial table;

(7) Seeded with another crop (excluding nurse crops); or

(8) Seeded for the development or production of hybrid seed or for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good forage seeding irrigation practice at the time of seeding; and

(2) Any loss of production caused by failure to carry out a good forage seeding irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

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

3. Report of acreage and share.

You shall report on our form:

a. All the acreage of forage seeding and reseeding in the county in which you have a share; and

b. Your share at the time of seeding or reseeding.

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

4. Amounts of insurance.

a. The amounts of insurance will be contained in the actuarial table.

b. You may change the amount of insurance on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

(1) The contract of your estate or surviving spouse if you die;

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

Insurance attaches at the time of seeding and ends at the earliest of:

a. Total destruction of the crop;

b. Harvest of the forage crop if not reseeded;

c. Final adjustment of a loss;

d. May 21 following the calendar year of seeding for spring-seeded forage; or

e. October 15 following the calendar year of seeding for fall-seeded forage.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) During the period before harvest, the crop on any unit is damaged and you decide:

(i) Not to further care for the crop; or

(ii) To reseed the acreage in the spring by the final seeding date for spring-seeded acreage;

(b) You want our consent to put the acreage to another use. Insured acreage may not be put to another use until we have appraised the crop and given written consent. We shall not consent to another use until if is too late to reseed. You must notify us when such acreage is put to another use.

(2) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earlier of:

(a) Total destruction of the crop on the unit; or

(b) The calendar date for the end of the insurance period.

b. You must obtain our written consent before you destroy any of the crop which is not to be harvested.

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

9. Claim for indemnity.

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

(1) Total destruction of the crop on the unit; or

(2) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish the acreage seeded on the unit and that any loss has been directly caused by one or more of the insured causes during the insurance period; and

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

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

(1) Multiplying the insured acreage by the amount of insurance;

(2) Subtracting therefrom the total amount obtained by multiplying the sum of the acres with an established stand plus 10 percent of the seeded acres for the unit times the amount of insurance; and

(3) Multiplying this result by your share.

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

e. The acres with an established stand shall include:

(1) Acreage which has at least 75 percent of a normal stand;

(2) Acreage abandoned or put to another use without our prior written consent;

(3) Acreage damaged solely by an uninsured cause; or

(4) Acreage which is harvested and not reseeded.

f. The amount of indemnity on any spring-seeded acreage determined in accordance with section 9c shall be reduced 50 percent if the stand is less than 75 percent but more than 55 percent of a normal stand.

g. A reseeding payment shall be made on any insured fall-seeded acreage with less than a 75 percent stand on which we have given written consent to reseed and which is reseeded in the next succeeding spring by the final spring seeding date. The amount of the reseeding payment shall be equal to 50 percent of the amount of indemnity determined in accordance with section 9c.

h. When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

i. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

You shall keep, for two years after the time of loss, records of the seeding on each unit including separate records showing the same information for seeding on any uninsured acreage. Any person designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are:

State	Cancellation and termination dates
New York	July 31.
All other States	April 15.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 for counties with an April 15 cancellation date and by April 30 for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of forage seeding crop insurance:

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

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

c. "Crop year" means the period within which the seeding is or normally would become established and shall be designated by the calendar year in which the seeding is made for spring-seeded acreage and the next succeeding calendar year for fall-seeded acreage.

d. "Harvest" means the severance of the forage plant from the land for the intended use as livestock feed.

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

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

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

h. "Reseed" means the mechanical incorporation of seed into the soil at not less than 50 percent of the original seeding rate.

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

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

k. "Unit" means all insurable acreage of either fall-seeded or spring-seeded forage in the county on the date of seeding for the crop year:

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

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a

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

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

§ 414.7 [Amended]

4. Part 414 is amended by removing the "Appendix to § 414.7—Additional Terms and Conditions".

5. Appendix B to Part 414 is redesignated as Appendix A and revised to read as follows:

Appendix A—Counties Designated for Forage Seeding Crop Insurance

The following counties are designated for Forage Seeding Crop Insurance under the provisions of 7 CFR 414.1.

New York

Ontario

North Dakota

Morton

Wisconsin

Dane	Grant	Iowa
Dodge	Green	Lafayette

Approved by the Board of Directors on February 23, 1983.

Dated: February 2, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3635 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 418

Wheat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Wheat Crop Insurance Regulations (7 CFR Part 418) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2) eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provisions; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtedness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding three sections regarding descriptive headings, determinations, and notices; and (10) making format and language corrections for the purpose of clarification. The intended effect of this rule is to update the policy for insuring what in accordance with Secretary's Memorandum No. 1512–1, and to confirm the published interim rule. In addition to the changes described above, FCIC issues a new section to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations.

EFFECTIVE DATE: February 21, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). It has been determined that this action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date establishd for these regulations is February 1, 1987.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

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

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

On Tuesday, April 5, 1983, FCIC publishd an interim rule in the **Federal Register** at 48 FR 14563, revising and reissuing the Wheat Crop Insurance Regulations (7 CFR Part 418), effective for the 1984 and succeeding crop years. The public was given 60 days in which to submit written comments, data, and opinions of the rule, but none were received. In reviewing the regulations prior to issuance as a final rule, it was determined that a new section should be issued to contain the OMB control numbers assigned to information collection requirements of these regulations. This change is incorporated in the regulations contained herein in both the Table of Contents and § 418.3 of the regulations.

List of Subjects in 7 CFR Part 418

Crop insurance, Wheat.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Wheat Crop Insurance Regulations (7 CFR Part 418), effective for the 1984 and succeeding crop years, to read as follows:

PART 418—WHEAT CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

418.1 Availability of wheat crop insurance.
418.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

Sec.
418.3 OMB control numbers.
418.4 Creditors.
418.5 Good faith reliance on misrepresentation.
418.6 The contract.
418.7 The application and policy.
Appendix A—Counties designated for wheat crop insurance

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

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 418.1 Availability of wheat crop insurance.

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

§ 418.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for wheat which will be included in the county actuarial table on file in applicable service offices and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 418.3 OMB control numbers.

Information collection requirements contained in these regulations (7 CFR Part 418) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 418.4 Creditors.

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

§ 418.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the wheat insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believes to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured persons relied thereon in good faith and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 418.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the wheat crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 418.7 The application and policy.

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

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

(c) Wheat contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Adminstrative Regulations (7 CFR 400.37, 400.38; first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Wheat Insurance Policy for the 1984 and succeeding crop years, are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Wheat—Crop Insurance Policy

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

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(6).

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

(1) The neglect or malfeasance of you, any member of your household, your tenants, or employees;

(2) The failure to follow recognized good wheat farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be wheat which is planted for harvest as grain, which is grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be wheat planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

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

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed and it is practical to replant to wheat but such acreage is not replanted;

(4) Initially planted after the final planting date contained in the actuarial table unless you agree in writing on our form to coverage reduction;

(5) Of volunteer wheat;

(6) Planted to a type or variety of wheat not established as adapted to the area or excluded by the actuarial table; or

(7) Planted with a crop other than wheat.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water, at the time of planting, to carry out a good wheat irrigation practice; and

(2) Any loss of production caused by failure to carry out a good wheat irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

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

3. Report of acreage, share, and practice.

You shall report on our form:

a. All the acreage of wheat in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing imdemnities are in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

(1) The contract of your estate or surviving spouse if you die;

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

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

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a will be applicable.

6. Deductions for debt.

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

7. Insurance period.

a. Insurance attaches when the wheat is planted except that in counties with an April 15 cancellation date, insurance on fall planted wheat will attach on April 16 following planting, if there is an adequate stand on April 16 to produce a normal crop.

b. Insurance ends at the earliest of:

(1) Total destruction of the wheat;

(2) Combining, threshing, or removal from the field;

(3) Final adjustment of a loss; or

(4) The date shown below of the calendar year in which wheat is normally harvested:

(a) Alaska—September 25;

(b) All other states—October 31.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) During the period before harvest, the wheat on any unit is damaged and you decide not to further care for or harvest any part of it;

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

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

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

(2) If you anticipate a loss on any unit, you must give us notice:

(a) At least 15 days before the beginning of harvest; or

(b) Immediately, if probable loss is later determined, and a representative sample of the unharvested wheat (at least 10 feet wide and the entire length of the field) must be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(3) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the wheat on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the wheat which is not to be harvested.

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the production guarantee;

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

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

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

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) Mature wheat production:

(a) Which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percent of moisture in excess of 13.5 percent; or

(b) Which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, will be adjusted by:

(i) Dividing the value per bushel of such wheat by the price per bushel of U.S. No. 2 wheat; and

(ii) Multiplying the result by the number of bushels of such wheat.

The applicable price for No. 2 wheat will be the local market price on the earlier of the day the loss is adjusted or the day the wheat is sold.

(2) Any mature production from other crops growing in the wheat shall be counted as wheat on a weight basis.

(3) Appraised production to be counted shall include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good wheat farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any unharvested production.

(4) Our appraisal on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage:

(a) Is not put to another use before harvest of wheat becomes general in the county;

(b) Is harvested; or

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

(5) We may determine the amount of production of any unharvested wheat on the basis of field appraisals conducted after the end of the insurance period.

(6) When you have elected to exclude hail and fire as insured causes of loss and the wheat is damaged by hail or fire, appraisals for uninsured causes will be made in accordance with Form FCI–78, "Request To Exclude Hail And Fire".

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

f. You will not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your

transferee or both. The transferee will have all rights and reponsibilities under the contract.

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are:

State and County	Cancellation date	Termination date for indebtedness
Alaska; Alamosa, Conejos, Costilla, Rio Grande and Saguache Counties, Colorado; Maine; all Michigan counties except those listed below; Minnesota; Daniels, Roosevelt, Sheridan and Valley Counties, Montana; New Hampshire; North Dakota; Corson, Walworth, Edmunds, Faulk, Spink, Beadle, Jerauld, Aurora, Douglas and Bon Homme Counties, South Dakota and all South Dakota counties lying north and east thereof; Vermont; and Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties, Wisconsin and all Wisconsin counties lying north and west thereof.	April 15	April 15.
All Colorado counties except as otherwise listed, Kansas, New Mexico, Oklahoma and Texas.	August 31	August 31.
Nebraska	September 15	September 15.
Archuleta, Custer, Delta, Dolores, Eagle, Garfield, Grand, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt and San Miguel Counties, Colorado and all other South Dakota counties.	September 15	November 30.
Connecticut; Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Black Hawk, Buchanan, Delaware and Dubuque Counties, Iowa and all Iowa counties lying north thereof; Massachusetts; all other Montana counties; New York; Rhode Island and Wyoming.	September 30	November 30.
Arizona, California, Idaho, Nevada, Oregon, Utah and Washington	October 31	November 30.
All other Iowa counties; Leelanau, Antrim, Charlevoix, Emmet, Cheboygan and Presque Isle Counties, Michigan and all Michigan counties lying south thereof; all other Wisconsin counties and all other states.	September 30	September 30.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you will be deemed to have elected. All contract changes will be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date and by May 31 preceding the cancellation date for all other counties. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of wheat crop insurance:

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

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

c. "Crop year" means the period within which the wheat is normally grown and is designated by the calendar year in which the wheat is normally harvested.

d. "Harvest" means the completion of combining or threshing of wheat on the unit.

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

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

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

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

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

j. "Unit" means all insurable acreage of wheat in the county on the date of planting for the crop year:

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

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

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the wheat on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

Appendix A.—Counties Designated for Wheat Crop Insurance

The following counties are designated for Wheat Crop Insurance under the provisions of 7 CFR 418.1.

Alabama

All counties

Alaska

Matanuska-Susitna
Southeast Fairbanks

Arizona

Cochise
Graham
Greenlee
La Paz
Maricopa
Mohave
Navajo
Pima
Pinal
Yavapai
Yuma

Arkansas

All counties

California

Alameda
Amador
Butte
Colusa
Contra Costa
Fresno
Glenn
Imperial
Kern
Kings
Lake
Lassen
Los Angeles
Madera
Mendocino
Merced
Modoc
Monterey
Napa
Orange
Placer
Plumas
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Shasta
Sierra
Siskiyou
Solano
Sonoma
Stanislaus
Sutter
Tehama
Tulare
Ventura
Yolo
Yuba

Colorado

Adams
Alamosa
Arapahoe
Archuleta
Baca
Bent
Boulder
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Douglas
Eagle
Elbert
El Paso
Fremont
Garfield
Grand
Huerfano
Jefferson
Kiowa
Kit Carson
La Plata
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffat
Montezuma
Montrose
Morgan
Otero
Ouray
Park
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
Rio Grande
Routt
Saguache
San Miguel
Sedgwick
Washington
Weld
Yuma

Connecticut

All counties

Delaware

All counties

Florida

Alachua
Bay
Calhoun
Columbia
Dixie
Escambia
Gadsden
Gilchrist
Gulf
Hamilton
Hernando
Holmes
Jackson
Jefferson
Lafayette
Liberty
Madison
Okaloosa
Pasco
Santa Rosa
Suwannee
Walton
Washington

Georgia

Appling
Atkinson
Bacon
Baker
Baldwin
Banks
Barrow
Bartow
Ben Hill
Berrien
Bibb
Bleckley
Brantley
Brooks
Bryan
Bulloch
Burke
Butts
Calhoun
Candler
Carroll
Catoosa
Chatham
Chattooga
Cherokee
Clarke
Clay
Clayton
Clinch
Coffee
Colquitt
Columbia
Cook
Coweta
Crawford
Crisp
Dade
Dawson
Decatur
De Kalb
Dodge
Dooly
Dougherty
Early
Echols
Effingham
Elbert
Emanuel
Evans
Fannin
Fayette
Floyd
Forsyth
Franklin
Fulton
Gilmer
Glascock
Glynn
Gordon
Grady
Greene
Gwinnett
Habersham
Hall
Hancock
Haralson
Harris
Hart
Heard
Henry
Houston
Irwin
Jackson
Jasper
Jeff Davis
Jefferson
Jenkins
Johnson
Jones
Lamar
Lanier
Laurens
Lee
Liberty
Lincoln
Long
Lowndes
Lumpkin
McDuffie
Macon
Madison
Marion
Meriwether
Miller
Mitchell
Monroe
Montgomery
Morgan
Murray
Newton
Oconee
Oglethorpe
Paulding
Peach
Pickens
Pierce
Pike
Polk
Pulaski
Putnam
Quitman
Rabun
Randolph
Richmond
Rockdale
Schley
Screven
Seminole
Spalding
Stevens
Stewart
Sumter
Talbot
Taliaferro
Tattnall
Taylor
Telfair
Terrell
Thomas
Tift
Toombs
Treutlen
Troup
Turner
Twiggs
Union
Upson
Walker
Walton
Ware
Warren
Washington
Wayne
Webster
Wheeler
White
Whitfield
Wilcox
Wilkes
Wilkinson
Worth

Idaho

Ada
Adams
Bannock
Bear Lake
Benewah
Bingham
Blaine
Boise
Bonner
Bonneville
Boundary
Butte
Camas
Canyon
Caribou
Cassia
Clark
Clearwater
Custer
Elmore
Franklin
Fremont
Gem
Gooding
Idaho
Jefferson
Jerome
Kootenai
Latah
Lemhi
Lewis
Lincoln
Madison
Minidoka
Nez Perce
Oneida
Owyhee
Payette
Power
Teton
Twin Falls
Valley
Washington

Illinois

All counties

Indiana

All counties

Iowa

All counties

Kansas

All counties

Kentucky

All counties except:
Bell
Elliot
Harlan
Lawrence
Leslie
Letcher
Martin
Perry
Pike

Louisiana

Acadia
Allen
Ascension
Assumption
Avoyelles
Beauregard
Bienville
Bossier
Caddo
Calcasieu
Caldwell
Cameron
Catahoula
Claiborne
Concordia
De Soto
East Baton Rouge
East Carroll
East Feliciana
Evangeline
Franklin
Grant
Iberia
Iberville
Jackson
Jefferson
Jefferson Davis
Lafayette
Lafourche
La Salle
Lincoln
Livingston
Madison
Morehouse
Natchitoches
Orleans
Ouachita
Palquemines
Pointe Coupee
Rapides
Red River
Richland
Sabine
St. Bernard
St. Charles
St. Helena
St. James
St. John the Baptist
St. Landry
St. Martin
St. Mary
St. Tammany
Tangipahoa
Tensas
Terrebonne
Union
Vermilon
Vernon
Washington
Webster
West Baton Rouge
West Carroll
West Feliciana
Winn

Maine

Aroostook
Kennebec
Penobscot
York

Maryland

All counties

Massachusetts

Berkshire
Bristol
Franklin
Hampden
Hampshire

Michigan

All counties

Minnesota

All counties

Mississippi

All counties

Missouri

All counties

Montana

All counties

Nebraska

All counties except:
Arthur
Grant
Hooker
Thomas

Nevada

All counties and Carson City

New Jersey

Atlantic
Burlington
Camden
Cape May
Cumberland
Gloucester
Hunterdon
Mercer
Middlesex
Monmouth
Morris
Ocean
Salem
Somerset
Sussex
Warren

New Mexcio

All counties except:
Lincoln
Los Alamos

New York

All counties except:
Bronx
Fulton
Hamilton
Kings
Nassau
New York
Putnam
Queens
Richmond
Rockland
Warren
Westchester

North Carolina

Alamance
Alexander
Alleghany
Anson
Beaufort
Bertie

Bladen	Greene	Pender
Brunswick	Guilford	Perquimans
Buncombe	Halifax	Person
Burke	Harnett	Pitt
Cabarrus	Henderson	Polk
Caldwell	Hertford	Randolph
Camden	Hoke	Richmond
Carteret	Hyde	Robeson
Caswell	Iredell	Rockingham
Catawba	Johnston	Rowan
Chatham	Jones	Rutherford
Chowan	Lee	Sampson
Cleveland	Lenoir	Scotland
Columbus	Lincoln	Stanly
Craven	McDowell	Stokes
Cumberland	Madison	Surry
Currituck	Martin	Tyrrell
Davidson	Mecklenburg	Union
Davie	Montgomery	Vance
Duplin	Moore	Wake
Durham	Nash	Warren
Edgecombe	New Hanover	Washington
Forsyth	Northampton	Wayne
Franklin	Onslow	Wilkes
Gaston	Orange	Wilson
Gates	Pamlico	Yadkin
Granville	Pasquotank	

North Dakota

All counties

Ohio

All counties

Oklahoma

All counties

Oregon

Baker	Jackson	Multnomah
Benton	Jefferson	Polk
Clackamas	Josephine	Sherman
Columbia	Klamath	Umatilla
Crook	Lake	Union
Deschutes	Lane	Wallowa
Douglas	Linn	Wasco
Gilliam	Malheur	Washington
Grant	Marion	Wheeler
Harney	Morrow	Yamhill

Pennsylvania

All counties except: Philadelphia — Wayne

Rhode Island

Newport — Washington

South Carolina

All counties

South Dakota

All counties except: Washabaugh

Tennessee

All counties

Texas

Anderson	Borden	Castro
Andrews	Bosque	Chambers
Angelina	Bowie	Cherokee
Archer	Brazoria	Childress
Armstrong	Brazos	Clay
Atascosa	Briscoe	Cochran
Austin	Brown	Coke
Bailey	Burleson	Coleman
Bandera	Burnet	Collin
Bastrop	Caldwell	Collingsworth
Baylor	Calhoun	Colorado
Bee	Callahan	Comal
Bell	Camp	Comanche
Bexar	Carson	Concho
Blanco	Cass	Cooke
Coryell	Howard	Panola
Cottle	Hudspeth	Parker
Crockett	Hunt	Parmer
Crosby	Hutchinson	Pecos
Culberson	Irion	Polk
Dallam	Jack	Potter
Dallas	Jackson	Rains
Dawson	Jeff Davis	Randall
Deaf Smith	Jefferson	Reagan
Delta	Jim Wells	Real
Denton	Johnson	Red River
De Witt	Jones	Reeves
Dickens	Karnes	Refugio
Dimmit	Kaufman	Roberts
Donley	Kendall	Robertson
Duval	Kent	Rockwall
Eastland	Kerr	Runnels
Ector	Kimble	Rusk
Edwards	King	San Jacinto
Ellis	Kinney	San Patricio
El Paso	Kleberg	San Saba
Erath	Knox	Schleicher
Falls	Lamar	Scurry
Fannin	Lamb	Shackelford
Fayette	Lampasas	Shelby
Fisher	La Salle	Sherman
Floyd	Lavaca	Smith
Foard	Lee	Somervell
Fort Bend	Leon	Starr
Franklin	Liberty	Stephens
Freestone	Limestone	Sterling
Frio	Lipscomb	Stonewall
Gaines	Live Oak	Sutton
Galveston	Llano	Swisher
Garza	Lubbock	Tarrant
Gillespie	Lynn	Taylor
Glasscock	McCulloch	Terry
Goliad	McLennan	Throckmorton
Gonzales	McMullen	Titus
Gray	Madison	Tom Green
Grayson	Marion	Travis
Grimes	Martin	Tyler
Guadalupe	Mason	Uvalde
Hale	Matagorda	Van Zandt
Hall	Maverick	Victoria
Hamilton	Medina	Waller
Hansford	Menard	Ward
Hardeman	Midland	Washington
Harris	Milam	Wharton
Harrison	Mills	Wheeler
Hartley	Mitchell	Wichita
Haskell	Montague	Wilbarger
Hays	Moore	Williamson
Hemphill	Morris	Wilson
Henderson	Motley	Wise
Hidalgo	Nacogdoches	Wood
Hill	Navarro	Upton
Hockley	Nolan	Yoakum
Hood	Ochiltree	Young
Hopkins	Oldham	Zavala
Houston	Palo Pinto	

Utah

All counties except: Daggett

Vermont

All counties

Virginia

All counties except: Arlington	Chesapeake City	Suffolk City
	Hampton	Virginia Beach
In addition the cities of:	Newport News	

Washington

All counties except:	Jefferson	Wahkiakum
	Pacific	

West Virginia

Barbour	Cabell	Greenbrier
Berkeley	Fayette	Hampshire
Brooke	Grant	Hancock
Hardy	Nicholas	Ritchie
Harrison	Ohio	Roane
Jackson	Pendleton	Summers
Jefferson	Pleasants	Tucker
Marshall	Pocahontas	Upshur
Mason	Preston	Wetzel
Mineral	Putnam	Wood
Monroe	Raleigh	
Morgan	Randolph	

Wisconsin

All counties

Wyoming

All counties except:	Albany	Sweetwater
	Sublette	

Done in Washington, D.C., on December 27, 1983.

Dated: February 2, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3631 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

---

7 CFR Part 425

[Amendment No. 6]

Peanut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) adding volcanic eruption as an insurable cause of loss; (3) adding a provision to permit determination of indemnities based on the acreage report rather than at loss adjustment time; (4) providing for a coverage level if the insured does not select one; (5) adding a 60-day claim for indemnity provisions; (6) adding a section regarding appraisals following the end of the insurance period for unharvested acreage; (7) adding a hail/fire provision for appraisals of uninsured causes; (8) amending the replanting provision regarding the ineligibility of acreage for replanting payment if FCIC's appraisal of the potential exceeds 90 percent of the guarantee; (9) changing the cancellation and termination dates to conform to farming practices; (10) providing that any change in the policy will be available in the service office by a certain date; (11) providing for unit determination when the acreage report is filed; and (12) adding three sections

concerning "descriptive headings," "determinations," and "notices."

In addition, FCIC issues a new subsection in the peanut crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring peanuts in accordance with Secretary's Memorandum No. 1512–1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: March 22, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Thursday, August 4, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 35433, amending the policy for insuring peanuts in accordance with the provisions of Secretary's Memorandum No. 1512–1, and issuing a new subsection to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, with the exception of minor and nonsubstantive change in language, the proposed rule as published is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 425

Crop insurance, peanuts.

PART 425—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), The Federal Crop Insurance Corporation hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 425 is:

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

2. 7 CFR 425.3 is revised;

§ 425.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 425) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

3. 7 CFR 425.7(d) is revised to read as follows:

§ 425.7 The application and policy.

* * * * *

(d) * * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Peanut—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9g(7).

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

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good peanut farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be peanuts planted for the purpose of digging, maturing and marketing as farmers' stock peanuts, which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be peanuts planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

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

d. We do not insure any acreage:

(1) Not planted to a type of peanuts designated as insurable by the actuarial table;

(2) Destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture;

(3) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(4) Which is irrigated and an irrigated practice is not provided for by the actuarial table, unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(5) Which is destroyed, is practical to replant to peanuts and such acreage is not replanted;

(6) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction; or

(7) Planted for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good peanut irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good peanut irrigation

practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

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

3. Report of acreage, share, poundage quota, practice and yield.

You shall report on our form:

a. All the acreage of peanuts in the county in which you have a share;

b. The practice;

c. Your share at the time of planting;

d. The effective poundage marketing quota, if any, applicable to the unit for the current crop year as provided under ASCS Peanut Marketing Quota Regulations; and

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are in the actuarial table.

b. The production guarantee per acre will be reduced by the lesser of 250 pounds or 20 percent for any unharvested acreage.

c. Coverage level 2 will apply if you do not elect a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee for the unit (insured acreage times the applicable production guarantee) which may consist of quota and non-quota (additional) peanuts times the applicable price election, times the premium rate, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

b. Interest shall accrue at the rate of one and one-half percent (1-1/2%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

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

(1) The contract of your estate or surviving spouse if you die;

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

Insurance attaches when the peanuts are planted and ends at the earliest of:

a. Total destruction of the peanuts;

b. Threshing or removal from the field;

c. Final adjustment of a loss; or

d. The date immediately following planting as follows:

(1) Duval and La Salle Counties, Texas—November 30;

(2) New Mexico, Oklahoma and all other Texas counties—December 31;

(3) All other states—November 30.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant peanuts damaged due to any insured cause

(to qualify for a replanting payment, the acreage replanted must be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit);

(b) During the period before threshing, the peanuts on any unit are damaged and you decide not to further care for or thresh any part of them;

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

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

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

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

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested peanuts (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the peanuts on the unit;

(b) The completion of harvest or otherwise disposing of the peanuts on the unit; or

(c) The calendar date for the end of the insurance period.

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

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

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

9. Claim for indemnity

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

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

(2) Completion of harvest or otherwise disposing of the peanuts on the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the production guarantee;

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

(3) Multiplying the remainder applicable to quota and/or non-quota (additional) production by the applicable price election; and

(4) Multiplying this product by your share.

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

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

f. The total production to count shall be identified as quota and/or non-quota (additional) production by:

(1) Counting all threshed and appraised production less than or equal to the unit's effective poundage quota as quota production; and

(2) Counting any threshed and appraised production in excess of the unit's effective poundage quota as non-quota (additional) production.

g. The total production to be counted for a unit shall include all threshed and appraised production.

(1) Threshed production shall be the net weight in pounds shown on the United States Department of Agriculture "Inspection Certificate and Sales Memorandum".

(2) Mature peanut production which is damaged, due to insurable causes, shall be adjusted by:

(a) Dividing the value per pound for the insured type of peanuts by the applicable average price per pound; and

(b) Multiplying the result by the number of pounds of such production.

(3) To enable us to determine the net weight and quality of production of any peanuts for which a United States Department of Agriculture "Inspection Certificate and Sales Memorandum" has not been issued, we must be given the opportunity to have such peanuts inspected and graded before you dispose of them. If you dispose of any production without giving us the opportunity to have the peanuts inspected and graded, the gross weight of such production shall be used in determining total production to count unless you submit a marketing record satisfactory to us which clearly shows the net weight and quality of such peanuts.

(4) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good peanut farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Only the appraised and threshed production in excess of the lesser of 250 pounds or 20 percent of the production guarantee on all other unharvested acreage.

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

(a) Is not put to another use before harvest of peanuts becomes general in the county;

(b) Is harvested; or

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

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

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

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

h. A replanting payment may be made on any insured peanuts replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but shall not exceed the lesser of 250 pounds or 20 percent of the production guarantee multiplied by the applicable price election (the quota price up to and including the unit's effective quota and the non-quota price of any additional peanuts), multiplied by your share.

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

Any replanting payment will be considered as an indemnity.

i. You shall not abandon any acreage to us.

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

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

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

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

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

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

of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

13. Subrogation. [Recovery of loss from a third party.]

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

14. Records and access to farm.

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

15. Life of contract: cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are:

State and County	Cancellation and termination dates
Duval and La Salle Counties, Texas	February 15.
New Mexico; Oklahoma: Brown, Callahan, Commanche, Eastland, Erath, Gaines, Hood, Jones, Montague, Motley, Palo Pinto, Parker and Stonewall Counties, Texas; and Virginia.	April 15.
All other Texas counties and all other states.	March 31.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date and by November 30 preceding the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of peanut crop insurance:

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

b. "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

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

d. "Crop year" means the period within which the peanuts are normally grown and shall be designated by the calendar year in which the peanuts are normally harvested.

e. "Effective Farm Marketing Quota" means the farm marketing quota as established and recorded by ASCS.

f. "Harvest" means the completion of digging of peanuts on any acreage for the purpose of combining or threshing from which acreage at least the lesser of 250 pounds or 20 percent of the production guarantee per acre shown in the actuarial table is dug.

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

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

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

j. "Replanting" means performing the cultural practices necessary to replant insured acreage to the same crop.

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

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

m. "Unit" means all insurable acreage of peanuts in the county on the date of planting for the crop year:

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

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

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the peanuts on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

n. "Value per pound" means the "value per pound including loose shell kernels" as shown on the United States Department of Agriculture "Inspection Certificate and Sales Memorandum", except for Segregation II, III and non-quota (additional) peanuts for which the value per pound shall be determined by us.

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

notice will be determined by the time of our receipt of the written notice.

§ 425.7 [Amended]

4. Part 425 is amended by removing the "Appendix to § 425.7—Additional Terms and Conditions".

5. Part 425 is further amended by redesignating and revising Appendix B as new Appendix A to read as follows:

Appendix A.—Counties Designated for Peanut Crop Insurance

The following counties are designated for Peanut Crop Insurance under the provisions of 7 CFR 425.1:

Alabama

Autauga	Covington	Houston
Barbour	Crenshaw	Monroe
Bullock	Dale	Montgomery
Butler	Escambia	Perry
Coffee	Geneva	Pike
Conecuh	Henry	Russell

Arkansas

Crittenden	Little River

Florida

Alachua	Holmes	Okaloosa
Calhoun	Jackson	Santa Rosa
Columbia	Jefferson	Suwannee
Dixie	Lafayette	Wakulla
Escambia	Leon	Walton
Gadsden	Levy	Washington
Gilchrist	Madison	
Hamilton	Marion	

Georgia

Appling	Effingham	Richmond
Atkinson	Emanuel	Schley
Baker	Evans	Screven
Ben Hill	Glascock	Seminole
Berrien	Grady	Stewart
Beckley	Houston	Sumter
Brooks	Irwin	Talbot
Bryan	Jeff Davis	Tattnall
Bulloch	Jefferson	Taylor
Burke	Jenkins	Telfair
Calhoun	Johnson	Terrell
Candler	Laurens	Thomas
Clay	Lee	Tift
Coffee	Lowndes	Toombs
Colquitt	Macon	Treutlen
Cook	Marion	Turner
Crawford	Miller	Twiggs
Crisp	Mitchell	Washington
Decatur	Montgomery	Webster
Dodge	Peach	Wheeler
Dooly	Pulaski	Wilcox
Dougherty	Quitman	Wilkinson
Early	Randolph	Worth

Louisiana

Morehouse

Mississippi

Coahoma

New Mexico

Lea	Quay	Roosevelt

North Carolina

Beaufort	Halifax	Perquimans
Bertie	Hertford	Pitt
Bladen	Johnston	Richmond
Chowan	Martin	Robeson
Columbus	Nash	Sampson
Cumberland	New Hanover	Tyrrell
Currituck	Northampton	Washington
Edgecombe	Onslow	Wilson
Gates	Pasquotank	
Greene	Pender	

Oklahoma

Atoka	Hughes	Okfuskee
Bryan	Jackson	Okmulgee
Caddo	Johnston	Payne
Carter	Lincoln	Pittsburg
Choctaw	Love	Pontotoc
Comanche	McClain	Pottawatomie
Creek	McIntosh	Seminole
Garvin	Marshall	Stephens
Grady	Muskogee	Washita

South Carolina

Aiken	Clarendon	Lee
Allendale	Florence	Orangeburg
Bamberg	Hampton	Sumter
Barnwell	Kershaw	

Tennessee

Tipton

Texas

Anderson	Fayette	McCulloch
Atascosa	Frio	McLennan
Austin	Gaines	Mason
Bastrop	Gonzales	Medina
Bexar	Grayson	Milam
Bosque	Guadalupe	Mills
Brown	Harris	Montague
Callahan	Henderson	Morris
Cherokee	Hill	Motley
Colorado	Hood	Palo Pinto
Comanche	Houston	Parker
Cooke	Johnson	Robertson
Denton	Jones	San Saba
De Witt	Lamar	Somervell
Duval	La Salle	Stonewall
Eastland	Lee	Waller
Erath	Limestone	Wilson
Fannin	Llano	Wise

Virginia

Brunswick	Isle of Wight	Surry
Dinwiddie	Prince George	Sussex
Greensville	Southampton	Suffolk City

Done in Washington, D.C. on December 27, 1983.

Approved by:

Merritt W. Sprague,

Manager.

Dated: Febuary 9, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 84-4270 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

---

7 CFR Part 428

[Amdt. No. 3]

Sunflower Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Sunflower Crop Insurance Regulations (7 CFR Part 428), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) eliminating the substitute crop provision; (3) eliminating the reduction of production guarantee for unharvested acreage and its related provisions; (4) providing that sunflowers are insurable following sunflowers, potatoes, dry beans, soybeans, rape, and mustard, if rotation requirements are carried out; (5) adding a provision that makes sunflowers, planted in rows too close to permit cultivation, insurable only when so designated by the actuarial table; (6) providing for determination of indemnities based on the acreage report at the time of loss adjustment; (7) adding a provision to provide a coverage level if the insured does not select one; (8) providing that residue shall be left intact in the event of a probable loss; (9) adding a provision for replanting payment; (10) adding a 60-day claim for indemnity provision; (11) adding a provision to allow consideration of quality; (12) adding a section regarding appraisals following the end of the insurance period for unharvested acreage; (13) adding a hail/fire provision for appraisals of uninsured causes; (14) changing the cancellation/termination dates to conform with farming practices; (15) providing that any change in the policy will be available in the service office by a certain date; (16) adding a definition for "service office;" (17) providing for a unit determination when the acreage report is filed; and (18) adding three sections regarding "descriptive headings," "notices," and "determinations." The intended effect of this rule is to update the policy for insuring sunflowers in accordance with Secretary's Memorandum No. 1512-1.

In addition to the changes described above, FCIC issues a new subsection in the sunflower crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations.

EFFECTIVE DATE: March 22, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Wednesday, June 22, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 28472, amending the policy for insuring sunflowers in accordance with the provisions of Secretary's Memorandum No 1512–1. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, with the exception of minor and non-substantive changes in language, the proposed rule is hereby published as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 428

Crop insurance, Sunflowers.

PART 428—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Sunflower Crop Insurance Regulations (7 CFR Part 428), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 428 is:

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

2. 7 CFR 428.3 is revised to read as follows:

§ 428.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 428) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

3. 7 CFR 428.7(d) is revised to read as follows:

§ 428.7 The application and policy.

* * * * *

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Sunflower—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(6).

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

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good sunflower farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be sunflower seed ("sunflowers") which are planted for harvest as sunflowers, which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be sunflowers planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

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

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided for by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed, it is practical to replant to sunflowers, and such acreage is not replanted;

(4) Initially planted after the final planting date contained by the actuarial table, unless you agree in writing on our form to coverage reduction;

(5) Of volunteer sunflowers;

(6) Planted to a type or variety of sunflowers not established as adapted to the area or excluded by the actuarial table;

(7) Planted with a crop other than sunflowers; or

(8) Which does not meet the rotation requirements designated by the actuarial table.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good sunflower irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good sunflower irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. Unless otherwise provided by the actuarial table, insurance will attach only on acreage initially planted in rows far enough apart to permit cultivation; but, if such insured acreage is destroyed and replanted, whether in the same manner or by broadcasting, drilling, or in rows too close to permit cultivation, it will be regarded as insured acreage and not as acreage put to another use.

g. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

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

3. Report of acreage, share, and practice.

You shall report on our form:

a. All the acreage of sunflowers in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any sunflowers planted in the county. This report shall be

submitted annually on or before the reporting date established by the actuarial table. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production gurantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

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

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

Loss ratio [2] through previous crop year	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

(1) The contract of your estate or surviving spouse if you die;

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

Insurance attaches when the sunflowers are planted and ends upon the earliest of:

a. Total destruction of the sunflowers;

b. Combining, threshing or removal from the field;

c. Final adjustment of a loss; or

d. November 30 of the calendar year in which sunflowers are normally harvested.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant sunflowers damaged due to any insured cause (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit);

(b) During the period before harvest, the sunflowers on any unit are damaged and you decide not to further care for or harvest any part of them;

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

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

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

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

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested sunflowers (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the sunflowers on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

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

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

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the production guarantee;

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

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

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

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

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

(1) Mature sunflower production:

(a) Which otherwise is not eligible for quality adjustment shall be reduced .12 percent for each .1 percentage point of moisture in excess of 10 percent; or

(b) Which, due to insurable causes, has a test weight below 25 pounds per bushel for oil type sunflowers or below 22 pounds per bushel for non-oil type sunflowers shall be adjusted by:

(i) Dividing the value per pound by the price per pound of No. 2 sunflowers; and

(ii) Multiplying the result by the number of pounds of such sunflowers.

The applicable price for No. 2 sunflowers shall be the local market price on the earlier of the day the loss is adjusted or the day the sunflowers were sold.

(2) Any mature production from other crops growing in the sunflowers shall be counted as sunflowers on a weight basis.

(3) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage, and potential production lost due to uninsured causes, and failure to follow recognized good sunflower farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, put to another use without our prior written consent, or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

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

(a) Is not put to another use before harvest of sunflowers becomes general in the county;

(b) Is harvested; or

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

(5) We may determine the amount of production of any unharvested sunflowers on the basis of field appraisals conducted after the end of the insurance period.

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

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

g. A replanting may be made on any insured sunflowers replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but shall not exceed the product obtained by multiplying 175 pounds, times the price election, times your share.

(3) If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately.

(4) Any replanting payment will be considered as an indemnity.

h. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: Cancellation and termination.

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

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

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or

before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

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

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

d. The cancellation and termination dates are April 15.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of sunflower crop insurance:

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

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

c. "Crop year" means the period within which the sunflowers are normally grown and will be designated by the calendar year in which the sunflowers are normally harvested.

d. "Harvest" means the completion of combining or threshing of sunflowers on the unit.

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

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

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

h. "Replanting" means performing the cultural practices necessary to replant insured acreage to sunflowers.

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

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

k. "Unit" means all insurable acreage of sunflowers in the county on the date of planting for the crop year:

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

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

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the sunflowers on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

§ 428.7 [Amended]

4. Part 428 is amended by removing the "Appendix to § 428.7—Additional Terms and Conditions."

5. Part 428 is further amended by redesignating Appendix B as Appendix A and revising Appendix A to read as follows:

Appendix A.—Counties Designated for Sunflower Crop Insurance

The following counties are designated for Sunflower Crop Insurance under the provisions of 7 CFR 428.1.

Minnesota

Becker	Lake of the Woods	West Polk
Beltrami	Le Sueur	Pope
Big Stone	Lincoln	Red Lake
Chippewa	Lyon	Renville
Clay	Mahnomen	Roseau
Clearwater	Marshall	Stearns
Crow Wing	Norman	Stevens
Douglas	East Otter Tail	Swift
Grant	West Otter Tail	Traverse
Hubbard	Pennington	Wilkin
Kandiyohi	Pipestone	Yellow Medicine
Kittson	East Polk	
Lac qui Parle		

North Dakota

Adams	Grant	Ransom
Barnes	Griggs	Renville
Benson	Hettinger	Richland
Billings	Kidder	Rolette
Bottineau	La Moure	Sargent
Bowman	Logan	Sheridan
Burke	McHenry	Sioux
Burleigh	McIntosh	Slope
Cass	McKenzie	Stark
Cavalier	McLean	Steele
Dickey	Mercer	Stutsman
Divide	Morton	Towner
Dunn	Mountrail	Traill
Eddy	Nelson	Walsh
Emmons	Oliver	Ward
Foster	Pembina	Wells
Golden Valley	Pierce	Williams
Grand Forks	Ramsey	

South Dakota

Beadle	Edmunds	McPherson
Brookings	Faulk	Marshall
Brown	Grant	Meade
Brule	Gregory	Miner
Campbell	Haakon	Perkins
Charles Mix	Hamlin	Potter
Clark	Hand	Roberts
Codington	Hanson	Spink
Corson	Hughes	Stanley
Day	Kingsbury	Sully
Deuel	Lake	Tripp
Dewey	Lyman	Walworth
Douglas	McCook	

Texas

Bailey*	Hale	Randall
Castro	Lamb	Sherman
Deaf Smith	Lubbock	Yoakum
Floyd	Parmer	

Done in Washington, D.C. on December 27, 1983.

Dated: February 9, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-4272 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

---

7 CFR Part 433

[Amdt. No. 3]

Dry Bean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Dry Bean Crop Insurance Regulations (7 CFR Part 433), effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read; (2) eliminating the reduction in production guarantee for unharvested acreage and its related provisions; (3) adding a provision regarding rotation requirements; (4) providing for determination of indemnities based on the acreage report rather that at time of loss adjustment; (5) adding a provision to provide for a coverage level if the insured does not select one; (6) providing that residue shall be left intact in the event of a probable loss; (7) adding a provision of replanting payment; (8) adding a 60-day claim for indemnity provision; (9) adding a section regarding appraisals following the end of the insurance period for unharvested acreage; (10) adding a hail/fire provision for appraisals of uninsured causes; (11) changing the cancellation/termination dates to conform to farming practices; (12) providing that any change in the policy will be available in the service office by a certain date; (13) adding a definition for "service office;" (14) providing for unit determination when the acreage is filed; and (15) adding three sections regarding "descriptive headings," "determinations," and "notices."

In addition, FCIC hereby issues a new subsection in the dry bean crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring dry beans in accordance with the provisions of Secretary's Memorandum No. 1512–1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: March 22, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

On Wednesday, June 22, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 28476, amending the policy for insuring dry beans in accordance with the provisions of Secretary's Memorandum No. 1512–1. The public was given 60 days in which to submit written comments, data, and opinions on the rule, but none were received. Therefore, with the exception of minor and non-substantive change in language, the proposed rule as published is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 433

Crop insurance, Dry beans.

PART 433—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Dry Bean Crop Insurance Regulations (7 CFR Part 433), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 433 is:

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

2. 7 CFR 433.3 is added to read as follows:

§ 433.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 433) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

3. 7 CFR 433.7(d) is revised to read as follows:

§ 433.7 The application and policy.

* * * * *

(d) * * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Dry Bean—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9g(5).

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

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good bean farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be dry beans ("beans") and shall consist of:

(1) Dry edible beans, planted for harvest as dry beans, of a class designated in the actuarial table; or

(2) Bush varieties of garden seed beans, planted for harvest as seed, and grown under a contract executed with a seed company before the acreage reporting date;

which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. An instrument in the form of a "lease" under which you retain control of the acreage on which the insured beans are grown and which provides for delivery of the beans under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a contract under which you have the share in the beans.

c. The acreage insured for each crop year shall be beans planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

d. The insured share shall be your share as landlord, owner-operator, or tenant in the insured beans at the time of planting.

e. We do not insure any acreage:

(1) Of bush varieties of garden seed beans not grown under contract or excluded from the contract for, or during, the crop year;

(2) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(3) Which is irrigated and an irrigated practice is not provided for by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(4) Which is destroyed if it is practical to replant to beans and such acreage is not replanted;

(5) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;

(6) Of volunteer beans;

(7) Planted to a class of dry edible beans or a bush variety of garden seed beans not established as adapted to the area or excluded by the actuarial table;

(8) Which does not meet the rotation requirements designated by the actuarial table; or

(9) Planted with a crop other than beans.

f. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good bean irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good bean irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

g. Any acreage of beans which is destroyed and replanted to an insurable class of dry edible beans or bush varieties of garden seed beans shall be regarded as insured acreage and not as acreage put to another use.

h. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

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

3. Report of acreage, share, and practice.

You shall report on our form:

a. All the acreage of beans in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

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

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.

[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

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

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

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

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

a. Insurance attaches when the beans are planted and ends at the earliest of:

(1) Total destruction of the beans;

(2) Combining, threshing, or removal from the field;

(3) Final adjustment of a loss; or

(4) November 15 of the calendar year in which the beans are normally harvested.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant beans damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit.);

(b) During the period before harvest, the beans on any unit are damaged and you decide not to further care for or harvest any part of them;

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

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

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

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

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested beans (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the beans on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

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

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

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

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

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

c. The indemnity shall be determined on each unit of dry edible beans by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of dry edible beans to be counted (see section 9g);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. The amount of indemnity for any unit of bush varieties of garden seed beans shall be determined by subtracting the value of production from the dollar amount of insurance and multiplying the remainder by the insured share.

(1) The value of production is obtained by multiplying, by variety, the total production to be counted by the applicable price per pound at which indemnities shall be computed, which shall be the lesser of the amount designated by:

(a) the actuarial table; or

(b) the contract with the seed company.

(2) The dollar amount of insurance is obtained by multiplying, by variety, the production guarantee per acre by the insured acreage, and the result by the price per pound at which indemnities shall be computed, which shall be the lesser of the amount designated by:

(a) The actuarial table; or

(b) The contract with the seed company.

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

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

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

(1) Mature dry edible beans:

(a) Which otherwise are not eligible for quality adjustment shall be reduced .12 percent for each .1 percentage point of moisture in excess of 18.0 percent; or

(b) Which are threshed beans of the classes pea and medium white with a pick in excess of 4 percent due to insurable causes and of any other classes which, due to insurable causes, do not grade No. 2 or better, in accordance with the Official United States Grain Standards, shall be adjusted by multiplying the number of pounds of such beans by the conversion factor designated by the actuarial table for the applicable grade or pick; or

(c) Which, due to insurable causes, do not meet any U.S. Grade or pick shown in the actuarial table or would not meet these requirements if properly handled, or if a conversion factor is not designated by the actuarial table, any threshed beans which do not grade No. 2 or better in accordance with the Official United States Grain Standards shall be adjusted by:

(i) Dividing the value per hundredweight of such beans, by the price per hundredweight of U.S. No. 2 beans (except that for the classes of pea and medium white, the price shall be the local market price per hundredweight for these classes with a 4 percent pick); and

(ii) Mutliplying the result by the number of pounds of such beans.

The applicable price for No. 2 beans shall be the local market price on the earlier of: the day the loss is adjusted or the day such beans were sold.

(2) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good bean farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

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

(a) Is not put to another use before harvest of beans becomes general in the county;

(b) Is harvested; or

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

(4) We may determine the amount of production of any unharvested beans on the basis of field appraisals conducted after the end of the insurance period.

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

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

h. A replanting payment may be made on any insured beans replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we established as reasonable by the actuarial table; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but shall not exceed the product obtained by multiplying 100 pounds times the price election times your share.

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

Any replanting payment will be considered as an indemnity.

i. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are:

State	Cancellation and termination dates
California	March 31.
All other states	April 15.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purpose of dry bean crop insurance:

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

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

c. "Crop year" means the period within which the beans are normally grown and shall be designated by the calendar year in which the beans are normally harvested.

d. "Harvest" means the completion of combining or threshing of beans on the unit.

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

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

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

h. "Pick" means the percentage, on a weight basis, of the defects such as splits, damaged (including discolored) beans, contrasting classes and foreign material remaining in the beans after dockage has been removed by the proper use of screens or sieves.

i. "Replanting" means performing the cultural practices necessary to replant insured acreage to dry beans.

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

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

l. "Unit" means all insurable acreage of either dry edible beans or bush varieties of garden seed beans in the county on the date of planting for the crop year:

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

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

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

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

§ 433.7 [Amended]

4. Part 433 is amended by removing the "Appendix to § 433.7—Additional Terms and Conditions."

5. Appendix B to Part 433 is redesignated and revised as new Appendix A to read as follows:

APPENDIX A—Counties Designated for Dry Bean Crop Insurance

The following counties are designated for Dry Bean Insurance under the provisions of 7 CFR 433.1.

California

Butte	Merced	Sutter
Colusa	Monterey	Tulare
Fresno	San Joaquin	Ventura
Glenn	Santa Barbara	Yolo
Kern	Solano	
Madera	Stanislaus	

Colorado

Adams	La Plata	Phillips
Boulder	Larimer	Pueblo
Delta	Logan	Sedgwick
Dolores	Montezuma	Washington
El Paso	Montrose	Weld
Kit Carson	Morgan	Yuma

Idaho

Ada	Gooding	Owyhee
Canyon	Jerome	Twin Falls
Cassia	Lincoln	Washington
Elmore	Minidoka	

Kansas

Sherman

Michigan

Arenac	Gratiot	Montcalm
Barry	Huron	Saginaw
Bay	Ingham	St. Clair
Clinton	Ionia	Sanilac
Eaton	Isabella	Shiawassee
Genesee	Lapeer	Tuscola
Gladwin	Midland	

Minnesota

Clay	East Otter Tail	Renville
Grant	West Otter Tail	Swift
Hubbard	East Polk	
Marshall	West Polk	

Montana

Carbon	Dawson
Custer	Richland

Nebraska

Arthur	Deuel	Morrill
Banner	Dundy	Perkins
Box Butte	Garden	Scotts Bluff
Brown	Hayes	Sheridan
Chase	Keith	Sioux
Cheyenne	Kimball	
Custer	Lincoln	

New Mexico

San Juan

North Dakota

Bottineau	McLean	Steele
Cass	Nelson	Stutsman
Cavalier	Pembina	Towner
Dickey	Ramsey	Traill
Grand Forks	Ransom	Walsh
Griggs	Richland	Wells
La Moure	Sargent	

Oregon

Malheur

Washington

Adams	Franklin	Grant

Wyoming

Big Horn	Laramie	Washakie
Fremont	Park	
Goshen	Platte	

Approved by the Board of Directors on April 26, 1983.

Dated: February 2, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3630 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 443

Hybrid Seed Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby confirms as final Part 443 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring hybrid seed grown under contract to a processor. This rule was originally published as an interim rule at 48 FR 15875 on April 13, 1983, to be responsive to growers of hybrid seed who have asked for crop insurance protection similar to that presently available to producers of other crops. In addition, FCIC issues a new section in these regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to the information collection requirements contained in these regulations. The regulations contained herein have been changed from the interim rule to: (1) Remove a restriction requiring the producer to leave crop residue intact for 7 days, no longer included in any FCIC regulations, and (2) remove poor germination as a basis for rejection of commercial seed, both considered restrictions in the hybrid seed crop insurance policy. The intended effect of this rule is to remove two restrictions from the hybrid seed crop insurance policy contained in the regulations, issue a new OMB control number section and confirm the interim as published.

EFFECTIVE DATE: February 21, 1984.

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). It has been determined that this action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is December 1, 1987.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is

not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

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

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

In the past, crop insurance protection has not been available to growers producing hybrid seed under contract to a processor. Such crops are exposed to similar hazards as other crops insured by FCIC. Following several meetings with producers, FCIC determined that a program of crop insurance protection was necessary. The Board of Directors of FCIC, responding to requests for such an insurance program, authorized the Manager of FCIC to develop a hybrid seed crop insurance program on November 15, 1982. The regulations contained in the interim rule were effective for the 1983 and succeeding crop years in certain counties where commercial seed is grown under contract to a seed company. The hybrid seed crop insurance program offers protection against crop damage or loss due to hail, wind, and other adverse weather conditions, fire, insects, plant disease, wildlife, or earthquake.

On Wednesday, April 13, 1983, at 48 FR 15875, FCIC published an interim rule issuing a new Part 443 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring hybrid seed grown under contract to a processor. The public was given 60 days after the publication of the interim rule in which to submit written comments, data, and opinions on the rule, but none were received. In reviewing the regulations prior to issuance as a final rule it was determined that a new section should be included to contain the OMB control numbers assigned to information collection requirements contained in the regulations, and that two restrictions in the hybrid seed crop insurance policy should be removed. These amendments will have no adverse effect on the policyholder and are included in the regulations contained herein.

In addition to the amendments described above, minor and non substantive change in language have been made.

List of Subjects in 7 CFR Part 443

Crop insurance, Hybrid seed.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends Chapter IV of Title 7 of the Code of Federal Regulations by revising 7 CFR Part 443 Hybrid Seed Crop Insurance Regulations, effective for the 1983 and succeeding crop years, to read as follows:

PART 443—HYBRID SEED CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1983 and Succeeding Crop Years

Sec.

443.1 Availability of hybrid seed crop insurance.
443.2 Premium rates, production guarantees, coverage levels, and amounts of insurance.
443.3 (OMB) control numbers.
443.4 Creditors.
443.5 Good faith reliance on misrepresentation.
443.6 The contract.
443.7 The application and policy.
Appendix A—Counties designated for Hybrid Seed Crop Insurance

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

Subpart—Regulations for the 1983 and Succeeding Crop Years

§ 443.1 Availability of hybrid seed crop insurance.

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

§ 443.2 Premium rates, production guarantees, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and amounts of insurance for hybrid seed which will be included in the actuarial table on file in service offices for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect an amount of insurance per acre and a coverage level from among those levels and amounts contained in the actuarial table for the crop year.

§ 443.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 443) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 443.4 Creditors.

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

§ 443.5 Good faith reliance on misrepresentation.

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

§ 443.6 The contract.

(a) The insurance contract shall become effective upon the acceptance

by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the hybrid seed crop as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 443.7 The application and policy.

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

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

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1983 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a hybrid seed contract issued under such prior regulations, without the filing of a new application.

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Hybrid Seed Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

Unless those causes are excepted, excluded or limited by the actuarial table or section 9e(4).

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

(1) The use of unadapted, incompatible or other genetically deficient male or female seed;

(2) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(3) The failure to follow recognized good farming practices, or the grower provisions of the seed contract;

(4) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;

(5) Damage resulting from frost or freeze after October 20; or

(6) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage and share insured.

a. The crop insured shall be any type of female seed ("crop") you elect:

(1) Which is planted for harvest and the production is intended for sale on a commercial basis as seed to produce a type of the crop for grain or silage;

(2) Which is grown under contract executed with a seed company prior to planting;

(3) Which is grown on insured acreage; and

(4) For which an amount of insurance and premium rate are provided by the actuarial table.

b. An instrument in the form of a "lease" under which you retain control of the acreage on which the insured crop is grown and which provides for delivery of the crop under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a contract under which you have the share in the crop.

c. The acreage insured for each crop year shall be the crop planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

d. The insured share shall be your share as landlord, owner-operator, or tenant in the insured crop at the time of planting.

e. We do not insure any acreage:

(1) Which is destroyed, it is practical to replant to the crop and such acreage is not replanted;

(2) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(3) Which is irrigated and an irrigated practice is not provided by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(4) Initially planted after the final planting date contained in the actuarial table unless you agree in writing on our form to coverage reduction;

(5) Of a volunteer crop type;

(6) Planted to a type or variety of the crop not established as adapted to the area or indicated as noninsurable by the actuarial table;

(7) Planted with another type of crop;

(8) Occupied by rows planted with a mixture of female and male seed;

(9) Planted and occupied by the male plants; or

(10) Planted for experimental purposes.

f. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good crop irrigation practice at time of planting; and

(2) Any loss of production caused by failure to carry out a good crop irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause.

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

3. Report of acreage, share, and practice.

You shall report on our form:

a. All the acreage of the crop planted in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

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

4. Production guarantees, coverage levels and amounts of insurance.

a. The amounts of insurance and coverage levels are in the actuarial table.

b. Your production guarantee per acre by type shall be 50, 65 or 75 percent of the

average yield per acre for each variety grown on the unit by you. The yields for the 5-year period immediately preceding the current crop year will be used as the base period. If less than 5 years of yield records are available for any variety, the average yield per acre shall be that established by us. Where more than one variety is grown on a unit, the unit guarantee shall be the combination of the guarantees of each variety grown.

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

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

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

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

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

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

Insurance attaches when both the male and female plant seed are planted and terminates at the earliest of:

(a) Total destruction of the crop;

(b) Combining, threshing or picking;

(c) Final adjustment of a loss; or

(d) October 31.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice promptly if:

(a) During the period before harvest, the crop on any unit is damaged and you decide not to further care for it or harvest any part of it;

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

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

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

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

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested crop (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit we must be given notice not later than 30 days after the earliest of:

(a) total destruction of the crop on the unit;

(b) harvest of the unit; or

(c) the calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the crop which is not to be harvested.

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

9. Claim for indemnity.

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

(1) total destruction of the crop on the unit;

(2) harvest of the unit; or

(3) the calendar date for the end of insurance period.

b. We shall not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the amount of insurance per acre;

(2) Subtracting from the result obtained in (1) the dollar amount obtained by multiplying the production accepted as commercial seed by the price determined by dividing the amount of insurance per acre by the applicable production guarantee per acre, plus the dollar amount obtained by multiplying:

(a) The production, which for reasons other than inadequate germination, is rejected as commercial seed due to insurable causes;

(b) By the local market price of such production on the earlier of the date the loss is adjusted or the date such production was sold; and

(3) Multiplying this product by your share.

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

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

(1) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good farming practices;

(b) Not less than your guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

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

(a) Is not put to another use before harvest of the crop becomes general in the county;

(b) Is harvested; or

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

(3) We may determine the amount of production of any unharvested acreage of the crop on the basis of field appraisals conducted after the end of the insurance period.

(4) When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals shall be made in accordance with Form FCI-78, "Request To Exclude Hail And Fire".

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

f. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are April 15.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table will provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of hybrid seed crop insurance:

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

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering

on the county, as shown by the actuarial table.

(c) "Crop year" means the period within which the crop is normally grown and shall be designated by the calendar year in which the crop is normally harvested.

(d) "Female plant" means the plants grown for the purpose of producing commercial seed.

(e) "Harvest" means the completion of combining, threshing or picking of the crop on the unit.

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

(g) "Local Producing Area" means a portion of a country where insurable crops are grown and which borders on a country with a crop insurance program.

(h) "Male plant" means the plants grown for the purpose of shedding pollen on female plants.

(i) "Insured" means the person who submitted the application accepted by us.

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

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

(l) "Tenant" means a person who rents land from another person for a share of the crop or a share of the proceeds therefrom.

(m) "Type" means the crop grown: i.e., corn, grain sorghum, sunflower, popcorn, etc.

(n) "Unit" means all insurable acreage of any one of the crop types in the county on the date of planting for the crop year:

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

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

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

(o) "Variety" means the seed produced from a pair of genetically identifiable parents.

18. Descriptive headings.

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

19. Determinations.

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

20. Notices.

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

Appendix A.—Counties Designated for Hybrid Seed Crop Insurance

The following counties are designated for Hybrid Seed Crop Insurance under the provisions of 7 CFR 443.1

Illinois

Adams	Henderson	Montgomery
Boone	Henry	Morgan
Brown	Iroquois	Moultrie
Bureau	Jersey	Ogle
Calhoun	Jo Daviess	Peoria
Carroll	Kane	Piatt
Cass	Kankakee	Pike
Champaign	Kendall	Putnam
Christian	Knox	Rock Island
Clark	Lake	Sangamon
Coles	La Salle	Schuyler
Cook	Lee	Scott
Cumberland	Livingston	Shelby
De Kalb	Logan	Stark
De Witt	McDonough	Stephenson
Douglas	McHenry	Tazewell
Du Page	McLean	Vermilion
Edgar	Macon	Warren
Ford	Macoupin	Whiteside
Fulton	Marshall	Will
Greene	Mason	Winnebago
Grundy	Menard	Woodford
Hancock	Mercer	

Done in Washington, D.C., on December 19, 1983.

Dated: February 2, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague

Manager.

[FR Doc. 84-3632 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona Amendment of Rules and Regulations

February 14, 1984.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the rules and regulations of the marketing order to establish an exemption to allow handling of organic lemons without regard to volume and size regulations which may be issued under the order. Requirements applicable to the handling of organic lemons recognize cultural practices employed in the production of such fruit and the outlets to which such fruit is shipped.

DATES: Effective February 14, 1984, through July 31, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been certified a "non-major" rule. 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.

This final rule is issued under marketing order 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This final rule is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this final rule will tend to effectuate the declared policy of the Act.

Section 910.180(d) of the rules and regulations established under the order prescribes procedures governing the exemption from order regulations of lemons handled in minimum quantities and certain types of shipments. This action would allow handling of organic lemons without regard to volume and size requirements that may be issued under the order if certain safeguards are met. Under the amendment, each handler of organic lemons would be required to apply to the committee for exemption from such regulations and furnish necessary information to the committee. The amendment would allow handlers to ship up to 100 cartons of organic lemons each week to organic or health food wholesalers and retailers. This action is designed to facilitate the marketing of organic lemons and would be in effect for the remainder of the 1983-84 fiscal year, which ends July 31, 1984.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C 553) in that the time intervening between the date when information

upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the Act is insufficient. Interested persons were given an opportunity to submit information and views on this action at an open meeting, at which the committee recommended the action with no opposing votes. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified. This final rule relieves restrictions on the handling of lemons and handlers have been apprised of such provisions.

List of Subjects in 7 CFR Part 910

Marketing agreement and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Therefore, § 910.180 is amended by adding a new subparagraph (3) to paragraph (d) to read as follows (this final rule expires July 31, 1984, and will not be published in the annual Code of Federal Regulations):

§ 910.180 Lemons not subject to regulation.

* * * * *

(d) Minimum quantities and types of shipments.

* * * * *

(3) During the period February 14, 1984, through July 31, 1984, any person may be granted an exemption of up to 100 cartons per week, or an equivalent amount thereof, to market or distribute organic lemons to organic or health food wholesalers or retailers. Such lemons shall be exempt from volume and size requirements issued under this part. Persons shall file with the committee an application for exemption as described in paragraph (d)(1) of this section. The committee shall determine if an exemption should be granted to the applicant. The committee shall notify the applicant in writing of its determination. Such persons shall also file weekly reports (LAC form 8) during each week in which such organic lemons are shipped. For purposes of this section, "organic lemons" means lemons which are produced, harvested, distributed, stored, processed and packaged without application of synthetically compounded fertilizers, pesticides or growth regulators. In addition, no synthetically compounded fertilizers, pesticides, or growth regulators shall be applied by the grower to the field or area in which the lemons are grown for 12 months prior to the appearance of flower buds and throughout the entire growing and harvest season for lemons.

* * * * *

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

Dated: February 14, 1984.

Russell L. Hawes,

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

[FR Doc. 84–4514 Filed 2–17–84; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 83–145]

Brucellosis in Cattle; State and Area Classifications

Correction

In FR Doc. 84–2716 beginning on page 3978 in the issue of Wednesday, February 1, 1984, make the following corrections:

§ 78.20 [Corrected]

1. On page 3979, column three, § 78.20(a), last line "T. 28 N., 116 W.)" should read "T. 28 N., R. 116 W.)".

2. On the same page, column three, amendatory language 3., line two, "Choncho" should read "Concho".

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 23903; Amdt. No. 1262]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 9260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by

publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

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

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

** * * Effective April 12, 1984*

Winslow, AZ—Winslow Muni, VOR RWY 11, Amdt. 3
Camarillo, CA—Camarillo, VOR-A, Amdt. 1
Madill, OK—Madill Muni, VOR/DME-A, Amdt. 2

** * * Effective March 29, 1984*

Danielson, CT—Danielson, VOR-A 4, Amdt. 2
Cochran, GA—Cochran, VOR/DME RWY 4, Amdt. 4
Thomson, GA—Thomson-McDuffie County, VOR/DME RWY 27, Amdt. 2
Toccoa, GA—Toccoa RG Letourneau Field, VOR RWY 20, Amdt. 9
Houghton Lake, MI—Roscommon County, VOR RWY 9, Orig.
Taos, NM—Taos Muni, VOR/DME-B, Amdt. 1
Durhamville, NY—Kamp, VOR RWY 28, Amdt. 1
Lexington, NC—Lexington Muni, VOR/DME RWY 8, Amdt. 1
Salisbury, NC—Rowan County, VOR RWY 2, Amdt. 1
Salisbury, NC—Rowan County, VOR-A, Amdt. 3
Greenville, PA—Greenville Muni, VOR-A, Amdt. 1
Monongahela, PA—Rostraver, VOR-A, Amdt. 3
Selinsgrove, PA—Penn Valley, VOR-A, Amdt. 4
Aguadilla, PR—Borinquen, VOR RWY 8, Amdt. 3
Aguadilla, PR—Borinquen, VOR/DME or TACAN RWY 8, Orig.
Alice, TX—Alice Intl, VOR RWY 31, Amdt. 9
Alice, TX—Alice Intl, VOR-A, Amdt. 11

** * * Effective March 15, 1984*

Chadron, NE—Chadron Muni, VOR RWY 20, Amdt. 5
Chadron, NE—Chadron Muni, VOR/DME RWY 2, Orig.
Chadron, NE—Chadron Muni, VOR-A, Amdt. 10

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

** * * Effective April 12, 1984*

Houston, TX—Hull Field, LOC RWY 35, Orig.

** * * Effective March 29, 1984*

Boise, ID—Boise Air Terminal (Gowen Field), LOC/DME (BC) RWY 28L, Amdt. 2
Alice, TX—Alice Intl, LOC RWY 31, Amdt. 2

** * * Effective February 6, 1984*

San Diego, CA—San Diego Intl Lindbergh Fld, LOC RWY 27, Amdt. 1

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

** * * Effective April 12, 1984*

Nogales, AZ—Nogales Intl, NDB-C, Orig.
Chino, CA—Chino, NDB-C, Amdt. 1
Casey, IL— Casey Muni, NDB RWY 4, Amdt. 4
Casey, IL— Casey Muni, NDB RWY 22, Amdt. 2

** * * Effective March 29, 1984*

Tallahassee, FL—Tallahassee Muni, NDB RWY 36, Amdt. 16
Fitzgerald, GA—Fitzgerald Muni, NDB RWY 1, Amdt. 2
Jesup, GA—Jesup-Wayne County, NDB RWY 10, Amdt. 3
Lawrenceville, GA—Gwinnett County, NDB RWY 25, Orig.
Milledgeville, GA—Baldwin County, NDB RWY 27, Amdt. 5
Thomson, GA—Thomson-McDuffie County, NDB RWY 27, Amdt. 4
Bay St. Louis, MS—Stennis Intl, NDB RWY 17, Orig.
Jackson, MS— Hawkins Field, NDB RWY 16, Amdt. 3
Taos, NM—Taos Muni, NDB-A, Amdt. 1
Islip, NY—Long Island MacArthur, NDB RWY 6, Amdt. 16
Lexington, NC—Lexington Muni, NDB RWY 8, Amdt. 2
Salisbury, NC—Rowan County, NDB-A, Amdt. 6
West Jefferson, NC—Ashe County, NDB RWY 27, Orig.
Aiken, SC—Aiken Muni, NDB RWY 24, Amdt. 5
Charleston, SC—Charleston-Executive, NDB RWY 9, Amdt. 5

** * * Effective March 15, 1984*

Marshalltown, IA—Marshalltown Muni, NDB RWY 12, Amdt. 4
Chadron, NE—Chadron Muni, NDB RWY 2, Amdt. 1
Chadron, NE—Chadron Muni, NDB RWY 20, Amdt. 10
Majuro Atoll, TT—Marshall Islands Intl, NDB/DME RWY 7, Orig.
Moen Island, TT—Truk Intl, NDB/DME RWY 221 Orig.

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

** * * Effective April 12, 1984*

Chino, CA—Chino, ILS RWY, 26 Amdt. 3
Los Angeles, CA—Los Angeles Intl, ILS RWY 24R, Amdt. 19

** * * Effective March 29, 1984*

Jackson, MS—Hawkins Field, ILS RWY 16, Amdt. 2
Islip, NY—Long Island MacArthur, ILS RWY 6, Amdt. 19
Saranac Lake, NY—Adirondack, ILS RWY 23, Amdt. 6
Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 18R, Amdt. 2
Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 36L, Amdt. 5
Nashville, TN—Nashville Metropolitan, ILS RWY 31, Amdt. 4

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

** * * Effective March 29, 1984*

Giddings, TX—Giddings-Lee County, RNAV RWY 35, Orig.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised,

Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

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

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

Issued in Washington, D.C. on February 17, 1984.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 84-4473 Filed 2-17-84; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2059]

The Procter & Gamble Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on Oct. 8, 1971 (36 FR 22149), *modified* Feb. 26, 1974 (39 FR 10237), to ensure that consumers receive necessary information regarding promotions involving chance while allowing the company to publicize such promotions more effectively and efficiently. The modified order changes the disclosure requirements for broadcast and print advertising, and includes a "trigger" modeled on that in the Commission's Games of Chance Rule. The "trigger" would require certain disclosures in print advertisements which "refer in any manner to prizes or their number or availability."

DATES: Consent Order issued Oct. 8, 1971. Modifying Order issued Feb. 3, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Roger Kirkpatrick, Washington, D.C. 20580. (202) 376-2820.

SUPPLEMENTARY INFORMATION: In the Matter of The Procter & Gamble Company. Codification appearing at 36 FR 22149 remains unchanged.

[Docket No. C-2059]

The Procter & Gamble Company, Order Reopening the Proceeding and Modifying Cease and Desist Order

On May 2, 1983 Procter & Gamble Company, respondents in the above captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the proceeding and modify the consent order entered therein. By letter dated October 21, 1983, petitioner agreed to modify its original proposal.

The order relates to alleged unfair and deceptive practices by Procter & Gamble in connection with any use of a "sweepstakes" or other similar promotional device involving chance. Paragraphs A(1) and B (1), (2), (3), and (4) of the order require petitioner to disclose in all advertising and promotional material: (1) The total number of prizes to be awarded, (2) the exact nature of the prizes, their approximate retail value, and the number of each, (3) the geographic area or states in which any such device is used, and (4) the date the device is initiated and the date the device is to end. Other provisions of the order prohibit petitioner from failing to award all of the prizes as represented, from falsely representing that prizes have already been purchased, from failing to furnish a list of winners on request, and from misrepresenting any aspect of any promotional device involving chance. Procter & Gamble seeks modification only of the disclosure requirements contained in paragraphs A(1) and B (1), (2), (3), and (4) of the order.

Petitioner requests the establishment of different disclosure requirements for broadcast and print advertising, and the lessening of the requirements for both types of ads. In place of the current broadcast advertising requirements petitioner requests those set out in proposed paragraph C. This paragraph would require petitioner to disclose in all advertising: (1) The geographic area or states in which the device is used *if* the advertisement would reach consumers outside that area, (2) the date the device is to end *if* the advertising would be disseminated within less than thirty days before such ending date and, (3) the date the device is to begin *if* the advertising would be disseminated prior to that beginning date. No other disclosures would be required in broadcast advertisements.

Petitioner argues that the changes in the broadcast advertising requirements of the order are justified by changes in law and fact and by the public interest. Petitioner points to nearly identical consent orders against three pesticide producers in which fewer disclosures were required in certain broadcast advertisements than were required in print advertisements. *Union Carbide*, 84 F.T.C. 591 (1974), *modified*, 86 F.T.C. 1231 (1975), *modified*, 94 F.T.C. 315 (1979); *Hercules, Inc.*, 84 F.T.C. 605 (1974), *modified*, 86 F.T.C. 1236 (1975), *modified*, 94 F.T.C. 315 (1979); *FMC Corp.*, 86 F.T.C. 897 (1975), *modified*, 94 F.T.C. 315 (1979). Petitioner also argues that the prize information disclosure requirement amounts to a virtual ban on broadcast advertising of its sweepstakes. Finally petitioner argues that at the time the order was entered into television advertising of sweepstakes promotions was virtually nonexistent, whereas today such advertising is increasingly common and petitioner's inability to place such advertisements places it at competitive disadvantages.

Petitioner also proposes that the order's print advertising disclosure requirements be modified by introducing a "trigger." Under this approach, the disclosures listed in paragraphs A and B would be required only in print advertisements which "refer in any manner to prizes or their number or availability." Print advertising which does not set off the trigger would still have to meet the disclosure requirements of paragraph C, however. Petitioner also proposes special provisos to paragraphs A, B and C. The provisos to paragraphs A and B would allow petitioner to place disclosures triggered by advertisements on package labels on material other than the labels themselves, as long as statements on those packages directed consumers to those disclosures. The proviso to paragraph C would allow petitioner to place any disclosures required by that paragraph on the side or back of packages as long as a statement on the front of the package informed consumers of the disclosures' location.

Finally, petitioner contends that the addition of the "trigger" to the order's print advertising disclosure requirements is justified by changes in law and the public interest. In support, petitioner points to the consent order in *Coca-Cola Co.*, 88 F.T.C. 656 (1976) that regulates the conduct of contest promotions and includes trigger language related to the kind of disclosures required by that order.

With respect to the deletion of the obligation to disclose prize information in broadcast advertisements we note

that in January 1983 we issued a temporary stay of those portions of our Trade Regulation Rule on Games of Chance in the Food Retailing and Gasoline Industries (16 CFR 419) which required the disclosure of prize information in broadcast advertising,[1] (48 FR 1046). This stay will remain in effect pending the conclusion of proceedings to amend that rule. Thus the modification makes petitioner's obligation more consistent with that presently imposed by the rule. Moreover, in this case petitioner's advertising of prize information will remain subject to paragraph A.(5) of the order which forbids petitioner from "misrepresenting in any manner by any means any element, feature, or aspect of any 'sweepstakes,' contest, game or any similar promotional device involving chance."

Similarly, we believe that conditioning disclosure in broadcast advertising of the starting and ending dates and geographic scope of a promotion is also justified by the public interest. Paragraph C of the modified order requires these disclosures whenever they are necessary and helpful to the consumer.

Finally, adoption of a trigger modeled on that contained in our Games of Chance Rule is also in the public interest. The disclosures required in Procter & Gamble's order are similar to those required in the Games of Chance Rule. Both require disclosure of detailed prize information. This requirement is present in the order against petitioner to ensure that consumers are not deceived about the value and nature of the prizes by vague or incomplete references to prizes in advertising. Therefore, the trigger used in the Games of Chance Rule—any reference to prizes—is appropriate for use in petitioner's order. The insertion of this trigger language serves the public interest by more closely tailoring the disclosure requirements to the purposes they serve. The provisos relating to disclosures on package labels are also justified by the public interest. They allow petitioner to provide more information to consumers on package labels than would otherwise be possible under the order, while still ensuring that the required disclosures are available for consumers to view. This increased flow of information to consumers is in the public interest.

Thus, the Commission finds that the changes requested in Procter & Gamble's modified petition are in the public interest. The modified order will ensure that consumers receive necessary information regarding promotions involving chance, while allowing petitioner to publicize such promotions more effectively and efficiently.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued October 8, 1971, as modified February 26, 1974, in Docket No. C-2059 is hereby modified to read as follows:

Order

It is ordered, that the Procter & Gamble Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of any "sweepstakes," contest, game or any similar promotional device involving chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

A.(1) Failing to disclose clearly and conspicuously the exact number of prizes which will be awarded, the exact nature of the prizes and the approximate retail value of each prize offered in all print advertising and printed promotional materials which refer in any manner to prizes or their number or availability. Provided, however, that such disclosures in any case need not be made on any package label as long as somewhere on that same package consumers are clearly and conspicuously referred to advertising or promotional material which does contain such disclosures and which may be viewed by consumers without any purchase or other monetary outlay.

(2) Failing to award and distribute all prizes of the type and value represented.

(3) Representing directly or by implication that prizes other than cash prizes have been purchased unless they have in fact been purchased at the time that the representation is made.

(4) Failing to furnish upon request to any individual a complete list of the names and states of residence of winners of major prizes, identifying the prize won by each.

(5) Misrepresenting in any manner by any means any element, feature, or aspect of any "sweepstakes," contest, game or any similar promotional device involving chance.

B. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes," contest, game, or similar promotional device involving chance, unless the following are disclosed clearly and conspicuously in all print advertising and printed promotional material which refer in any manner to prizes or their number or availability. Provided, however, that except as provided in Paragraph C of this order, such disclosures in any case need not be made on any package label as long as somewhere on that same package consumers are clearly and conspicuously referred to advertising or promotional material which does contain such disclosures and which may be viewed by consumers without any purchases or other monetary outlay.

(1) The total number of prizes to be awarded;

(2) The exact nature of the prizes, their approximate retail value, and the number of each;

(3) The geographic area or states in which any such device is used; and

(4) The date the device is initiated and the date the device is to end.

C. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes," contest, game, or similar promotional device involving chance, unless the following are disclosed clearly and prominently in all advertising or promotional material concerning said devices:

(1) The geographic area or states in which any such device is used if the advertising or promotional material would reach consumers outside such geographic area or states; and

(2) The date the device is to end if the advertising or promotional material would be disseminated within less than thirty days before such ending date.

(3) The date the device is to begin if the advertising or promotional material would be disseminated prior to such beginning date.

Provided, however, that in advertising or promotional material printed on package labels it shall be sufficient if such advertising or promotional material contains the clear and conspicuous disclosure of the statement "See back/side for details" and any required information about geographic areas or states and/or ending or beginning dates is then disclosed clearly and conspicuously elsewhere on the package.

It is further ordered, that respondent Procter & Gamble Company shall:

(1) File with the Commission, within sixty (60) days after service upon it of this order, a report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order;

(2) Maintain adequate records:

(a) Which disclose the facts upon which any of the representations of the type described in the preceding paragraphs of this order are based, and

[1] This rule applies only to the food retailing and gasoline industries. It does not apply to petitioner's activities in the sweepstakes area, which are governed solely by the order.

(b) From which the validity of the representations of the type described in the preceding paragraphs of this order can be determined;

(3) Furnish upon the request of the Federal Trade Commission:

(a) A complete list of the names and addresses of the winners of each prize, and an exact description of the prize, including its retail value;

(b) A list of the winning numbers or symbols, if utilized, for each prize;

(c) The total number of coupons or other entries distributed;'

(d) The total number of participants in the promotion;

(e) The total number of prizes in each category or denomination which were made available; and

(f) The total number of prizes in each category or denomination which were awarded.

It is further ordered that the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered that respondent notify the Commission at least thrity (30) days prior to any proposed change in its corporate form such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance with this order.

By the Commission. Commissioner Pertschuk voted in the negative.

List of Subjects in 16 CFR Part 13

Sweepstakes promotions, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Dated: February 3, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84-4545 Filed 2-17-84; 8:45 am]

BILLING CODE 6750-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practice agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the Mason City Iowa Human Rights Commission as a 706 Agency.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, NW., Washington, D.C. 20507, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—PROCEDURAL REGULATIONS

Accordingly, Title 29, Chapter XIV of the Code of Federal Regulations, 29 CFR 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * * Mason City Iowa Human Rights Commission

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e12(a))

Signed at Washington, D.C., this 13th day of February 1984.

For the Commission.

Odessa M. Shannon,

Director, Office of Program Operations.

[FR Doc. 84-4565 Filed 2-17-84; 8:45 am]

BILLING CODE 6570-06-M

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on certified designated 706 agencies. Publication of this amendment effectuates the designation of the Illinois Department of Human Rights and the Puerto Rico Department of Labor and Human Resources as certified 706 Agencies.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, NW., Washington, D.C. 20507, telephone 202/634-6526.

SUPPLEMENTARY INFORMATION: The Commission has determined that the Illinois Department of Human Rights and the Puerto Rico Department of Labor and Human Resources meet the eligibility criteria for certification of a designated 706 agency as established in 29 CFR 1601.75(b).

In accordance with 29 CFR 1601.75(c) the Commission hereby amends the list of certified designated 706 agencies to include the Illinois Department of Human Rights and the Puerto Rico Department of Labor and Human Resources. Publication of this amendment to § 1601.80 effectuates the designation of the following agencies as certified 706 agencies: Illinois Department of Human Rights and the Puerto Rico Department of Labor and Human Resources.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—[AMENDED]

§ 1601.80 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.80 by adding the Illinois Department of Human Rights and the Puerto Rico Department of Labor and Human Resources in alphabetical order.

(42 U.S.C. 2000e-12(a))

Signed at Washington, D.C., this 14th day of February 1984.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 84-4566 Filed 2-17-84; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 390

Administrative Offset of Claims

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury

ACTION: Final rule.

SUMMARY: This rule sets forth procedures for the collection of claims due the United States arising from transactions in Treasury securities, as administered by the Bureau of the Public Debt. The rule is needed to implement the administrative offset provisions of section 10 of the Debt Collection Act of

1982, Pub. L. 97–365, 96 Stat. 1749 (31 U.S.C. 3716).

EFFECTIVE DATE: March 22, 1984.

FOR FURTHER INFORMATION CONTACT: Mary Lou Dasburg, Attorney-Adviser, Bureau of the Public Debt, Office of the Chief Counsel, Divisions Office (202) 447–9859.

SUPPLEMENTARY INFORMATION: Prior to the Debt Collection Act of 1982, the Bureau of the Public Debt relied on the common law right of offset as a tool to administratively collect claims owed to the United States. The Act, while providing statutory authority for administrative offset, also requires specific procedures and safeguards to ensure that alleged debtors will be afforded due process protections. One of the requirements of the Act is that Federal agencies issue regulations consistent with the Act and the Federal Claims Collection Standards (4 CFR, Chapter II) before collecting claims by administrative offset.

The proposed rule was published in the **Federal Register** on October 20, 1983 (48 FR 48688). The comment period closed on December 19, 1983. One comment was received from the Bureau of Government Financial Operations suggesting that where installment payments are involved the written agreement for repayment contain a provision that payments be collected by a direct charge to the debtor's bank account. Until a period of time has elapsed where the volume of installment agreements can be established, the Bureau of the Public Debt prefers not to incorporate such a requirement into the regulatory language. Instead, the suggestion will be considered for the Bureau's internal procedures. The proposed rule is, therefore, being published as a final rule with no changes.

Executive Order 12291

The proposed rule is not a "major rule," as defined in Executive Order 12291, dated February 17, 1981, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The Paperwork Reduction Act, Pub. L. 96–511, 94 Stat. 2812 (44 U.S.C. Chapter 35) does not apply to this rule because it does not contain information collection requirements which necessitate approval by the Office of Management and Budget.

Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1167, does not apply to this proposed rule. The Commissioner of the Public Debt certifies under the provisions of 5 U.S.C. 605(b) that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities or impose significant reporting or compliance burdens on a substantial number of small entities.

List of Subjects in 31 CFR Part 390

Administrative practice and procedure, Claims.

Accordingly, it is proposed to add Part 390 to subchapter B of 31 CFR, Chapter II, to read as follows:

PART 90—COLLECTION BY ADMINISTRATIVE OFFSET

Sec.

390.0 Scope of regulations.
390.1 General.
390.2 Notification procedures.
390.3 Agency review.
390.4 Written agreement for repayment.
390.5 Administrative offset.

Authority: 31 U.S.C. 3701; 31 U.S.C. 3711; 31 U.S.C. 3716.

§ 390.0. Scope of regulations.

These regulations apply to the collection by the Bureau of the Public Debt of claims by administrative offset under section 5 of the Federal Claims Collection Act of 1966, as added by the Debt Collection Act of 1982 (31 U.S.C. 3716). They are consistent with the Federal Claims Collection Standards on administrative offset issued jointly by the Department of Justice and the General Accounting Office, as set out in 4 CFR 102.3. The term "administrative offset," as defined in 31 U.S.C. 3701(a)(1), means "withholding money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the Government."

§ 390.1 General.

(a) The Commissioner of the Public Debt, or designee, after attempting to collect a claim from a person under section 3(a) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(a)), may collect the claim by administrative offset if the claim is certain in amount. The Commisioner has determined that it is in the best interests of the United States to collect claims by administrative offset because of the decreased costs of collection and the acceleration in the payment of claims.

(b) If the six-year period for bringing an action on a claim provided in section 2415 of Title 28, United States Code, has expired, the claim may be collected by administrative offset only if the costs that would have been incurred in bringing such action were likely to be more than the amount of the claim. No collection by administrative offset shall be made on any claim that has been outstanding for more than 10 years unless facts material to the Government's right to collect the claim were not known and reasonably could not have been known by the official or officials responsible for discovering and collecting such claim.

(c) These regulations do not apply to any case in which administrative offset of the type of debt involved is explicitly provided for or prohibited by another statute, nor do they apply to debts owed by other agencies of the United States or by any State or local government.

§ 390.2 Notification procedures.

Before collecting any claim through administrative offset, a notice shall be sent to the debtor by certified mail, return receipt requested. In the case of an agent qualified under 31 CFR Part 317 or 31 CFR Part 321, the notice need not be sent by certified mail. The notice shall provide:

(a) Written notification of the nature and amount of the claim, the intention of the agency to collect the claim through administrative offset, and an explanation of rights under section 10 of the Debt Collection Act of 1982 (31 U.S.C. 3716);

(b) An opportunity to inspect and copy the records of the agency with respect to the claim;

(c) An opportunity for review within the Bureau of the Public Debt of the determination of the Bureau with respect to the claim; and

(d) An opportunity to enter into a written agreement with the head of the agency, or designee, for the repayment of the amount of the claim.

§ 390.3 Agency review.

(a) A debtor may dispute the existence of the debt, the amount of the debt, or the terms of repayment. A request to review a disputed claim must be submitted to the Bureau within 30

calendar days of the receipt of the written notice described in § 390.2.

(b) If the debtor requests an opportunity to inspect or copy the Bureau's records concerning the disputed claim, 10 business days will be granted for the review. The time period will be measured from the time the request for inspection is granted or from the time the copy of the records is received by the debtor.

(c) Pending the resolution of a dispute by the debtor, transactions in any account(s) of the debtor maintained at the Bureau of the Public Debt may be temporarily suspended. Depending on the type of security, the suspension could preclude its payment, removal, or transfer, as well as prevent the payment of interest or discount due thereon. Should the dispute be resolved in the debtor's favor, the suspension will be immediately lifted.

(d) During the review period, interest, penalties, and administrative costs authorized under the Federal Claims Collection Act of 1966, as amended, will continue to accrue.

§ 390.4 Written agreement for repayment.

A debtor who admits liability, but elects not to have the debt collected by administrative offset, will be permitted to negotiate with the Commissioner of the Public Debt, or designee, concerning a written agreement for the repayment of the debt. If the financial condition of the debtor does not support the ability to pay in one lump-sum, reasonable installments may be considered. No installment arrangement will be considered unless the debtor submits a financial statement, executed under penalty of perjury, reflecting the debtor's assets, liabilities, income, and expenses. The financial statement must be submitted within 10 business days of its request by the Bureau. At the Bureau's option, a confess-judgment note or bond of indemnity with surety may be required for installment agreements. Notwithstanding the provisions of this section, any reduction or compromise of a claim will be governed by 4 CFR Part 103 and 31 CFR 5.3.

§ 390.5 Administrative offset.

If the debtor does not exercise the right to request a review within the time specified in § 390.3, or if, as a result of the review, it is determined that the debt is due and no written agreement is executed, then administrative offset shall be ordered in accordance with these regulations without further notice.

Dated: February 15, 1984.

Richard L. Gregg,

Acting Deputy Commissioner of the Public Debt.

[FR Doc. 84-4481 Filed 2-17-84; 8:45 am]

BILLING CODE 4810-40-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-11

[FPMR Amdt. B-58]

Records Disposition

AGENCY: National Archives and Records Service, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration is amending its regulations to modify records scheduling paperwork procedures, records center disposition procedures for contingent records, and requirements for scheduling records that have been microfilmed. Agencies often submit comprehensive agency or office records schedules including many records series already appraised and for which no change in retention period is proposed, thus requiring no NARS action. This amendment will require agencies to mark out unchanged items and thereby facilitate NARS processing. Another problem has been caused in records centers by procedures for disposal of contingent records. This amendment will require agencies to respond to contingent disposal notices unless they are prepared to withdraw the records from storage. Due to particular concern over the microfilming of permanent and unscheduled records, this amendment clarifies the scheduling requirements for original and microfilm copies.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: David F. Peterson, Assistant Archivist for Federal Records Centers (202-724-1614).

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

List of Subjects in 41 CFR Part 101-11

Advisory committees, Archives and records, Micrographics, National Archives and Records Service, Records and information management.

PART 101-11—RECORDS MANAGEMENT

1. The authority citation for Part 101-11 is revised to read as follows:

Authority: 44 U.S.C. 3301-3314; 44 U.S.C. 2101-2113, 2901-2910, 3101-3107.

2. Section 101-11.404-1 is amended by revising paragraph (a)(3) to read as follows:

§ 101-11.404-1 Comprehensive agency records disposition schedules.

* * * * *

(a) * * *

(3) Only new or revised records series or disposition instructions, or deviations from the General Records Schedules (see § 101-11.404-2) require NARS approval. If any items on a proposed schedule have been previously scheduled, the procedures contained in § 101-11.406-7 must be followed.

* * * * *

3. Section 101-11.406-3 is revised to read as follows:

§ 101-11.406-3 Request for authorization to dispose of temporary records.

Requests for authorization to dispose of records shall be initiated by Federal agencies by submitting Standard Form 115, Request for Records Disposition Authority to the National Archives and Records Service. A Standard Form 115 is used for submitting a schedule (§ 101-11.404-1) or a list (§ 101-11.404-3). Authority contained in an approved disposal list is limited to records already in existence. A schedule is a continuing authorization and should be used in all instances where the types of records described in the request continue to accumulate.

4. Section 101-11.406-7 is revised to read as follows:

§ 101-11.406-7 Request to change disposal authority.

Agencies desiring to change the approved disposition of a series of records should submit a Standard Form 115. If an agency submits a SF 115 that includes items not changed from previous authorizations, the unchanged items must be marked out. Disposition authorizations contained in approved disposal schedules are automatically

superseded by approval of a later schedule applicable to the same records unless the later schedule specified an effective date. Agencies submitting revised schedules must indicate in entry 9 of the SF 115 the relevant schedule and item to be superseded, the citation to the current printed records disposition schedule, if any, and/or the General Records Schedules and item numbers which cover the records.

5. Section 101–11.410–8 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

§ 101–11.410–8 Disposal clearances for records in Federal records centers.

* * * * *

(b) Contingent records (records of Federal agencies scheduled for destruction after occurrence of an event at some unspecified time in the future) held by Federal records centers will be disposed of upon receipt of agency concurrence in response to GSA Form 3265, Agency Review for Contingent Disposal, or other written concurrence. If the agency does not respnd to the review notice within 90 calendar days, the records center may return the records to the agency and reject future transfers of that records series.

* * * * *

Subpart 101–11.5—Micrographics

6. Section 101–11.502 is amended by redesignating paragraph (i) as (j) and adding a new paragraph (i) to read as follows:

§ 101–11.502 Definitions.

* * * * *

(i) *Unscheduled Records.* Any record that has not been appraised by the National Archives, i.e., a record that has neither been approved for disposal nor designated as permanent by the Archivist of the United States.

* * * * *

7. Section 101–11.506–1 is amended by revising the introductory text of paragraph (a), removing paragraph (c), redesignating paragraph (b) as (c), and adding a new paragraph (b) to read as follows:

§ 101–11.506–1 Authorization.

(a) Agencies proposing to microfilm permanent or unscheduled records shall submit Standard Form (SF) 115, Request for Records Disposition Authority, in accordance with Subpart 101–11.4. The SF 115 shall provide for the disposition of original records and microforms.

* * * * *

(b) The approved retention period for temporary records shall be applied to microform copies of those records; the original records shall be destroyed upon verification of the microfilm, unless legal requirements preclude early destruction of the originals. NARS approval is not required prior to implementation of this provision.

* * * * *

Dated: January 25, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84–4499 Filed 2–17–84; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 4, 2650

Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing hearings and appeals to implement Secretarial Order No. 3078, dated April 29, 1982, abolishing the Alaska Native Claims Appeal Board (ANCAB) and consolidating the functions of that Board under the jurisdiction of the Interior Board of Land Appeals (IBLA) effective June 30, 1982. This action was taken to achieve greater economy in the use of Office of Hearings and Appeals (OHA) resources. The effect of these amendments is to ensure that uniform procedures apply to all appeals submitted to IBLA and to eliminate regulations made duplicative by the consolidation of functions within IBLA.

EFFECTIVE DATE: February 21, 1984.

ADDRESS: Inquiries or suggestions should be sent to: Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Julia A. Barrows (703) 235–3750.

SUPPLEMENTARY INFORMATION: Secretarial Order No. 3078 abolished ANCAB and transferred all of the functions and responsibilities delegated to ANCAB with respect to appeals arising under the Alaska Native Claims Settlement Act (ANCSA), as amended (43 U.S.C. 1601–1628), to IBLA effective June 30, 1982. An interim rule amending Office of Hearings and Appeals regulations to implement this internal organization change was published in the **Federal Register** on June 18, 1982, (47 FR 26390). Prior to issuance of the interim rule a comparison of Subparts E and J of 43 CFR Part 4 had been undertaken to identify any substantive or procedural differences in the two sets of regulations which required special attention in undertaking these regulatory changes. Generally the procedural requirements and practices of ANCAB were similar to those of IBLA. Several differences in the existing requirements applicable to ANCSA land selection appeals were identified and addressed. The interim rule was effective June 30, 1982, but comments were requested for the period ending August 30, 1982. Four comments were received: one from the State of Alaska, two from regional corporations, and one from a private attorney who represents village corporations.

Before addressing the public comments, we note that the language in the interim rule governing notice of appeal, which was adopted from ANCAB's regulations, has the effect of shortening the period of time for a person, who has received service of a Bureau of Land Management (BLM) decision, to file notice of appeal to less than 30 days where the decision is published in the **Federal Register** before the person receives service. The regulation, 43 CFR 4.411(a), as published in the interim rule, requires the filing of a notice of appeal within 30 days after service or within 30 days after publication of the decision in the **Federal Register** "whichever shall occur first." Since it is our intention that any person served with the decision have a full 30 days to appeal and not be restricted by publication in the **Federal Register**, we are revising 43 CFR 4.411(a) to eliminate the phrase "whichever shall occur first" and to provide separate requirements for persons receiving notice of a decision by service or through **Federal Register** publication.

Both regional corporations commented that they support the incorporation of ANCAB's stricter requirement for standing to appeal into 43 CFR 4.410 as consistent with the purposes of ANCSA.

The State of Alaska requested that 43 CFR 4.410 be amended to grant it automatic standing in appeals concerning the reservation of public easements pursuant to section 17(b) of ANCSA. It argued that ANCSA directs that the State is to have a significant role in the process of easement reservation and that in order for the State to participate in a meaningful way its right to appeal should be assured. Section 17 of ANCSA provided for the establishment of a Joint Federal-State Land Use Planning Commission (LUPC)

for Alaska and authorized it to participate in the identification of public easements proposed for reservation across lands selected by Native corporations. BLM's regulations governing the designation of public easements, 43 CFR 2650.4–7, state that the identification of easements shall include participation by appropriate Natives and Native corporations, LUPC, State, Federal agencies, and other members of the public. The State and LUPC are afforded a 90-day period to make recommendations with respect to including particular public easements in any conveyance. If BLM easement decisions are contrary to LUPC's recommendation, LUPC must be given an additional 10 days in which to document the reasons for disagreement. Following issuance of a conveyance decision, the State of Alaska may appeal the designation or non-designation of a public easement where it establishes the requisite property interest. We believe that the current regulation sufficiently protects the State's ability to defend its interests. In addition, as indicated in the preamble to the interim rule, these regulatory changes were intended to implement an internal organization change without substantive change to the existing rights, procedures and practices.

Both regional corporations support the language added to 43 CFR 4.431 and 4.452–2 stating that fact-finding and government contest hearings "shall be conducted within the State of Alsaka, unless the parties agree otherwise." They also urge that the Board's policy on hearing oral argument in Alaska should be stated in regulation and should be the same as that for hearings: "unless the parties agree otherwise" instead of "for good cause shown" as stated in the preamble to the interim rule. We are not amending the general OHA regulation on discretionary oral argument because it applies to all of the OHA appeals boards, but agree that the standards in ANCSA cases should be the same as for ANCSA hearings. Thus the policy of IBLA is to hear oral argument when granted in ANSCA land selection appeals in Alaska unless the parties agree otherwise. One comment also urges that we make a similar statement for prehearing conferences. While we find it unnecessary to repeat this language in the regulation on prehearing conferences, it is OHA's intention that the location of prehearing conferences be consistent with that for hearings.

The regional corporations also urge that IBLA state in regulation, or at a minimum in the preamble to this document, ANCAB's unwritten policy of segregating tracts of land directly affected by an appeal from the rest of the lands in a particular conveyance so that the conveyance of unaffected land can be completed. IBLA intends to continue those practices and policies developed by ANCAB that promote an effective balance between the right of appeal and the efficient conveyance of land. IBLA's policy to promote this balance by the use of segregation is evidenced by the fact that IBLA has issued orders of segregation in conveyance cases since assuming jurisdiction of ANCSA land selection appeals. IBLA will deal with the merits of each case consistent with past practices and the dictates of ANCSA. Since this is a substantive matter relating to the efficient conveyance of land, it is inappropriate for inclusion in the regulations relating to appeals procedures.

The two regional corporations also request that the regulations be modified to require IBLA to give land selection appeals priority review because they fear that conveyances will be delayed when these appeals are integrated into IBLA's large caseload. IBLA dockets appeals in the chronological order in which they are filed and the IBLA judges generally review the cases assigned to them in regular docket sequence insofar as is practical. As to the pending ANCSA appeals transferred to IBLA, the judges have been instructed to consider the appeals filed as of the time originally filed with ANCAB, not as reflected by the current assigned IBLA docket number. New appeals will take their regular place in the docket sequence. We note, however, that in spite of its large caseload, IBLA has been able in many instances to dispose of its appeals significantly faster than ANCAB.

One comment suggested that Subpart E be amended to provide for a repository of the official files of all pending and past ANCSA appeals. Under current practice when an appeal to IBLA is filed with BLM, BLM transmits the appropriate file to IBLA but retains a set of the transmitted documents. Subsequent pleadings are filed with IBLA and all parties receive copies. Unlike ANCAB, once an appeal has been decided, IBLA returns the complete file to BLM in Anchorage. The files for appeals previously decided by ANCAB are now located with BLM in Anchorage. Files available at each location are open for public inspection. We believe these procedures make the files sufficiently available to the public at large without placing additional copy and filing requirements on the parties.

Finally, various comments and concerns were raised by a private practitioner regarding the difficulty of filing notices of appeal and related documents timely under the regulatory time limits. Initially we iterate our comment from the preamble of the interim rule that the requirements in 43 CFR Part 4, Subpart E do not appear to have created any undue difficulty for other appellants in Alaska appealing to IBLA. The 30-day period for filing a notice of appeal is the same as that imposed by ANCAB, and the 10-day grace period provided by 43 CFR 4.401(a) for documents transmitted or probably transmitted before the due date has substantially the same result as ANCAB's postmark rule insofar as it requires mailing by the due date. We believe 10 days is a reasonable amount of time to allow for mail delivery. The commenter was also particularly concerned with the 15-day service requirements. We note first that the grace period applies to such requirement. Second, with respect to late service and other circumstances which will subject an appeal to summary dismissal, the "subject to summary dismissal" language of 43 CFR 4.402 does not mandate automatic dismissal but rather requires the exercise of the Board's reasoned discretion. It is the general practice of the Board not to summarily dismiss an appeal where the requirements of the regulations have been met, albeit late, where good cause for the delay is shown and where no adverse effect on other parties has been established.

Since this is a procedural rule and the only substantive change being made to the interim rule that has been in effect since June 30, 1982, benefits persons wishing to appeal, we find that good cause exists to make this final rule effective upon publication.

The author of this rule is Julia A. Barrows, Office of Hearings and Appeals.

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

It is hereby determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) is required. Further, section 910 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1638) provides that the National Environmental Policy Act shall not be construed as requiring such statement

for regulations which lead to conveyances to Natives or Native Corporations pursuant to ANCSA.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule implements an internal organization change and creates no substantive change in the basic right of appeal afforded to persons from decisions by Departmental officials concerning matters related to land selection under ANCSA. It simply changes the appeals board to which the appeal is directed, without substantial modifications of existing procedures and practices. This rule eliminates regulations which are repetitious in view of the consolidation of functions under IBLA, and ensures uniformity of treatment for all appellants before IBLA. It makes no changes in the procedures applicable to other IBLA appellants.

List of Subjects

43 CFR Part 4

Administrative practice and procedure, Lawyers, Public lands.

43 CFR Part 2650

Administrative practice and procedure, Alaska, Public lands, Grants.

Under the authority of R.S. 2478, as amended, 43 U.S.C. 1201; section 25 of the Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601–1628; and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, Part 4 of Subtitle A and Part 2650, Chapter II, of Subtitle B of Title 43, *Code of Federal Regulations*, are amended as set forth below.

Dated: January 30, 1984.

J. J. Simmons III,

Under Secretary.

The interim rules published June 18, 1982 in the **Federal Register** (47 FR 26390) are adopted as final with the following changes:

PART 4—DEPARTMENT OF HEARINGS AND APPEALS PROCEDURES

1. Section 4.411 is amended to revise paragraph (a), add a new paragraph (b), and redesignate former paragraph (b) as paragraph (c) as follows:

§ 4.411 Appeal; how taken, mandatory time limit.

(a) A person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the **Federal Register**, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication.

(b) The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make.

* * * * *

PART 2650—ALASKA NATIVE SELECTIONS

2. The last sentence of 43 CFR 2650.7(d)(2) is revised to read as follows:

§ 2650.7 Publication.

* * * * *

(d) * * *

(2) * * * Furthermore, the decision or notice of decision shall inform readers where further information on the manner of, and requirements for, filing appeal may be obtained, and shall also state that any party known or unknown who may claim a property interest which is adversely affected by the decision shall be deemed to have waived their rights which were adversely affected unless an appeal is filed in accordance with the requirements stated in the decisions or notices provided for in this subsection and the regulation governing such appeals set out in 43 CFR Part 4, Subpart E.

3. The last sentence of 43 CFR 2651.2(a)(4) is revised to read as follows:

§ 2651.2 Eligibility requirements.

(a) * * *

(4) * * * Such decision shall become final unless appealed to the Secretary by a notice filed within 30 days of its publication in the **Federal Register** in accordance with the regulations governing appeals set out in 43 CFR Part 4, Subpart E.

* * * * *

[FR Doc. 84-4392 Filed 2-17-84; 8:45 am]

BILLING CODE 4310-10-M

---

43 CFR Part 20

Employee Responsibilities and Conduct

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This final rule amends certain regulations governing the Responsibilities and Conduct of Department of the Interior employees as set forth in Part 20 of Title 43 CFR. Proposed amendments to Part 20 were published on October 27, 1983, (48 FR 49662–49664).

In these final rules, one amendment deletes the financial disclosure reporting requirements for Department of the Interior employees identified as performing functions or duties under the Federal Land Policy and Management Act, Mining in the Parks Act, Energy Policy and Conservation Act and the Outer Continental Shelf Lands Act Amendments of 1978. The decision for this action is based on a Justice Department interpretation of Section 207(c) of the Ethics in Government Act of 1978, and on the Department's effort to promote efficiency in the process of collecting and reviewing employee financial disclosure reports to prevent actual of apparent conflicts of interest. Another amendment incorporates a provision to allow management reasonable flexibility in administering employee responsibility and conduct restrictions that apply to Minerals Management Service employees. The remaining revisions in this notice are needed to solve administrative problems identified while enforcing the current rules in 43 CFR Part 20.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Departmental Ethics and Audit Coordination Staff, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–3932.

SUPPLEMENTARY INFORMATION: The proposed amendments published October 27, 1983 (48 FR 49662–49664) provided a 30 day period for public comment. During this period, substantive comments were received from five individuals. In response to these comments, specific regulations have been modified and the basis for these changes is explained below.

Based on a recommendation from the Assistant Agency Ethics Official, the title "Associate Ethics Counselor" is incorporated into the Part to allow bureau and office ethics counselors more flexibility in assigning ethics and and conduct counselling responsibilities to headquarters and field employees.

Section 20.735–3(a)(1)(iv) requires the Inspector General to conduct internal audits and administrative reviews of the ethics and conduct programs in each bureau at least once every three years. The Assistant Inspector General for Audit commented that this cyclical time interval should be changed to recognize

the fact that audits and reviews are also performed by the General Accounting Office and the Office of Government Ethics. Based on this comment § 20.735-3(a)(1)(iv) is changed to eliminate the reference to a specific time period for the conduct of ethics and conduct audits or reviews performed by the Inspector General.

In response to comments offered by two individuals, portions of the proposed provisions in § 20.735-4 are substantially revised. In one comment, amendatory language to § 20.735-4(a) was suggested to emphasize that the sanctions contained in this section are not only limited to conflict of interest matters, but also apply to other employee conduct matters in Part 20. The suggested amendatory language is not adopted since, in our opinion the language as proposed in § 20.735-4(a) already adequately covers this individual's concern. In another comment the same individual suggested language to amend § 20.735-4 in order to point out that disciplinary actions for violations of conflict of interest prohibitions may be imposed independently from and without prior application of remedial actions. This suggestion is incorporated into the final rules. The second commenter stated that collective bargaining agreements should be referenced in the provisions that refer to disciplinary action since collective bargaining agreements occasionally require supplementary procedures which must be respected in effecting such actions. This comment is incorporated into the final rules. This commenter also stated that the proposed second sentence of § 20.735-4(b)(2) seems redundant of the language in proposed § 20.735-4(a). Therefore, the commenter suggested that the proposed second sentence in § 20.735-4(b)(2) be deleted. This suggestion is not adopted. Although we agree that the two sentences are duplicative to a limited degree, we believe that in this instance such duplication is desirable to emphasize to employees that corrective, disciplinary and remedial actions are separate and independent remedies, and that each remedy contains its own set of administrative sanctions.

One commenter requested that specific reference to the prohibitions found in § 20.735-6 (a) and (b) included in the proposed § 20.735-4(a). This recommendation is not adopted since the provisions in §§ 20.735-6 (a) and (b) are already covered by the proposed language in § 20.735-4(a) and the requested specific reference would be superfluous.

In connection with the proposed amendment in § 20.735-20(c), one commenter pointed out that the term, "All Assistant Secretary Immediate Offices including Bureau and Office Directors" is confusing since this implies that Bureau and Office Directors are part of the immediate office of an Assistant Secretary. The commenter suggested language to clarify this point. This language is adopted and incorporated in § 20.735-20(c). In another comment, the same individual pointed out that the term, "The Immediate Office of the Secretary" as listed in § 20.735-20(c), automatically includes six offices that are operated under the Secretary's direct supervision. These offices are the Under Secretary, Executive Secretariat, Secretary's Field Coordination, Alaska Land Use Council, Micronesian Status Negotiation and Historically Black College and University Programs. The commenter questioned whether it is intended and necessary to cover all six of these offices for purposes of applying the prohibitions in § 20.735-24, § 20.735-27 and § 20.735-28. Based on this comment the listing § 20.735-20(c) is amended to specify that all but two of the six offices in the Immediate Office of the Secretary are covered for purposes of applying the prohibitions in §§ 20.735-24, 27 and 28. The two offices deleted from coverage are the Office of Micronesian Status Negotiations and the Office of Historically Black College and University Programs.

In response to the recommendations of one commenter, the proposed language in § 20.735-30(c) is modified to authorize appropriate personnel officials to assume certain responsibilities of Ethics Counselors.

A revised Employee Certification was recently issued by the Bureau of Mines and is incorporated to 43 CFR Part 20 to replace the current Bureau of Mines (BOM) Certification Form in Appendix A-4. The changes in the BOM Certification Form are not substantive but they are necessary to clarify specific instructions to the employee.

The Department of the Interior has determined that the provisions contained in Section 207(c) of the Ethics in Government Act of 1978 (Pub. L. 95-521) supersede and eliminate the public financial disclosure reporting requirements contained in the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579); the Mining in the Parks Act (Pub. L. 94-429), the Energy Policy and Conservation Act (Pub. L. 94-163), and the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372). Interior employees performing duties and functions under any of these four statutes, will not be subject to the financial disclosure requirements contained in each of these statutes. The decision to terminate these filing requirements is based on a Justice Department interpretation of Section 207(c) of the Ethics in Government Act of 1978, and on the Department's effort to promote efficiency in the process of collecting and reviewing employee financial disclosures to prevent actual or apparent conflicts of interest. Refer to the Department of Justice letter of April 11, 1980 from John M. Harmon, Assistant Attorney General to Deputy General Counsel David O. Bickart at the Environmental Protection Agency.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*).

The primary authors of this final rule are Gabriele J. Paone, Deputy Agency Ethics and Audit Coordination Official and Mason Tsai, Assistant Agency Ethics Official.

List of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Accordingly, 43 CFR Part 20 is amended as follows:

Dated: February 15, 1984.

Joseph E. Doddridge, Jr.,

Acting Principal Deputy Assistant Secretary, Policy, Budget and Administration.

PART 20—[AMENDED]

1. The authority citation for Part 20 is amended to read as follows: **Authority** 5 U.S.C. 301; 18 U.S.C. 207(j) (Supp. V 1981); sec. 12, Ch. 576, 48 Stat. 986 (25 U.S.C. 472); sec. 201(f), Pub. L. 95-87, 91 Stat. 450-51 (30 U.S.C. 1211 (Supp. V 1981)); E.O. 11222, 30 FR 6469 3 CFR 1964-65 (Comp.), as amended (18 U.S.C. 201 note); 5 CFR 735-104; 5 CFR 734.103; 5 CFR 737.1(c)(7).

2. Section 20.735-1 paragraph (a)(12) is revised to read:

§ 20.735-1 Definitions.

(a) * * *

(12) "Assistant Ethics Counselor" or "Associate Ethics Counselor" means a bureau, regional or area personnel officer or other qualified employee who has been delegated responsibility to perform the operational duties of the Ethics Counselor at the field level. Assistant Ethics Counselors or Associate Ethics Counselors may also

be designated within the bureau headquarters.

3. Section 20.735–2 is amended by revising paragraph (h)(4)(i) to read:

§ 20.735–2 Purpose, Policy and General Responsibilities.

* * * * *

(h) * * *

(4)(i) Special codes of conduct have been approved in accordance with § 20.735–2(h) for two groups of employees:

(A) Bureau of Land Management Fire Management Teams—approved January 16, 1981.

(B) Office of Inspector General Auditors and Investigators—approved July 16, 1982.

* * * * *

4. Section 20.735–3 is amended by revising paragraphs (a)(1)(iv) and (a)(1)(v) to read:

§ 20.735–3 Responsibilities of ethics officials and channels for counseling.

(a) * * *

(1) * * *

(iv) Monitor the conflict of interest program using reports requested of bureaus and periodic internal audits and administrative reviews performed by the Office of Inspector General, the Designated Agency Ethics Official, or others.

(v) Review statements of employment and financial interests for those Department employees cited in § 20.735–31(b);

* * * * *

5. Section 20.735–4 is revised to read as follows:

§ 20.735–4 Sanctions.

(a) Violations of the regulations in this part by an employee may be cause for appropriate corrective, disciplinary or remedial action, which may be in addition to any criminal or civil penalty provided by law.

(b)(1) Disciplinary action may include oral or written warning or admonishment, reprimand, suspension, reduction in grade or pay, removal from position or removal from office. Such action shall be taken in accordance with Departmental policies and procedures, applicable statutes, Executive Orders, regulations, and any applicable collective bargaining agreement provisions. Disciplinary action for violation of conflict of interest laws or of the regulations in this Part, may be imposed independently from and without prior application of remedial actions including those remedial actions cited in § 20.735–40.

(2) Remedial actions required may include those actions described in § 20.735–40. Failure to comply with appropriate remedial action may result in suspension or removal from office, or other disciplinary action. Employees may appeal divestiture orders in accordance with procedures contained in § 20.735–43.

(c) The procedures for disciplinary action involving contract education employees in Indian Affairs are contained in 25 CFR 38.6.

6. Section 20.735–7 is amended by revising paragraph (b)(2)(i) to read:

§ 20.735–7 Gifts, entertainment, and favors from domestic sources.

* * * * *

(b) * * *

(2) * * *

(i) Food and refreshments of nominal value on infrequent occasions in the ordinary course of an official luncheon or dinner meeting or other official or professional function or on an inspection tour where an employee may properly be in attendance,

* * * * *

§ 20.735–9 [Amended]

7. Redesignate § 20.735–9, paragraphs (a)(2) and (a)(3) as (a)(3) and (a)(4) respectively. Then add a new paragraph (a)(2) to read: The Department may charge a fee or accept reimbursement for providing a service or thing of value to a private source when the service or thing of value provided benefits to both the Government and the particular private source (31 U.S.C 9701). In such instances only a portion of the costs can be accepted from the private source. The Department must pay expenses associated with its usual official business and for the benefits it receives from participating in the event. The private source can be charged or may reimburse the Department for that portion of the service provided that exceeds the Department's usual expenses and the benefits to the government. Under this provision, payments from private sources must be deposited in the U.S. Treasury unless the bureau receiving the payment is authorized by statute to accept such payments.

8. Section 20.735–9 paragraph (b)(3) is amended by removing the words "International Communication Agency" found in the first sentence and inserting in its place: United States Information Agency.

9. Section 20.735–20 is amended by revising the list of officers in paragraph (c) to read:

§ 20.735–20 Scope of Subpart.

* * * * *

(c) For purposes of applying the prohibitions in § 20.735–24 Interests in federal lands, § 20.735–27 Interests in mining activities, and § 20.735–28 Interests in trading with Indians, of this subpart, the term "Office of the Secretary and other Departmental Offices reporting directly to a Secretarial Officer" means the following offices:

The Immediate Office of the Secretary except for the Office of Micronesian Status Negotiations, and the Office of Historically Black College and University Programs;

Solicitor;

Inspector General;

Hearings and Appeals;

Congressional and Legislative Affairs;

Public Affairs;

All Assistant Secretary Immediate Office staff and heads of bureaus which are subordinate to an Assistant Secretary.

The following offices under the Assistant Secretary—Policy, Budget and Administration:

Acquisition and Property Management;

Budget;

Environmental Project Review;

Policy Analysis.

* * * * *

10. Section 20.735–24 is amended by revising paragraphs (a)(3)(i), (a)(3)(ii), (a)(4)(i), (a)(4)(ii), (b)(1)(ii), and (b)(3), and by adding paragraph (d)(6) as follows:

§ 20.735–24 Interest in Federal Lands.

(a) * * *

(3) * * *

(i) Membership or outside employment in a business which has interests in federal lands, and

(ii) Ownership of stock or other securities in corporations determined by the Department to have an interest in federal lands directly or through a subsidiary.

(4) * * *

(i) Holdings in land, mineral rights, grazing rights or livestock which in any manner are connected with or involve the substantial use of the resources or facilities of the federal lands, or

(ii) Substantial holdings of a spouse or dependent child. *Refer to § 20.735–21(b)(5) for the definition of "Substantial."*

(b) * * *

(1) * * *

(ii) Retaining a direct interest in federal lands acquired voluntarily or by any other method, before or during employment by the Department in their own name or in the name of their spouse, dependent child, or solely-

owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735–24(e).

* * * * *

(3) All Department employees are prohibited from acquiring or retaining any claim, permit, lease, small tract entries, or other rights in federal lands either in their own name or in the name of their spouse, dependent child, or solely-owned or family-owned business except that they may acquire or retain such interests in accordance with the waiver criteria in § 20.735–24(e). Also, employees, other than those identified in § 20.735–24(b) (1) and (2), may purchase or retain stocks or securities traded on the open market in companies having interests in federal lands, provided that such acquisition will not interfere or appear to interfere with the proper and impartial performance of their official duties.

* * * * *

(d) * * *

(6) The prohibitions imposed on Minerals Management Service employees by § 20.735–24(b) are imposed by the Secretary through regulatory extension of the statutory provisions in 43 U.S.C. 31(a). Accordingly, the Secretary authorizes the Director, Minerals Management Service (LMS), to approve exceptions to this regulatory extension for individual LMS employees or for a class of LMS employees for cause. Exceptions granted by the Director for a class of employees shall be with the prior concurrence of the Designated Agency Ethics Official.

* * * * *

11. Section 20.735–30 is amended by revising paragraph (c) to read:

§ 20.735–30 Executive order filing requirements.

* * * * *

(c) *When to file.* Ethics Counselors or appropriate personnel officials shall notify each employee covered by this section and furnish the necessary form or forms to the employee at the time of his or her entrance on duty and by December 15 of each year.

* * * * *

12. Section 20.735–30 paragraph (c)(1) is amended by removing the last word "or". Section 20.735–30 paragraph (c)(2) is also amended by removing the last word "or".

§ 20.735–34 [Removed]

13. Part 20 of 43 CFR is amended by removing Section 34 in its entirety.

14. Section 20.735–35 is amended by removing paragraph (a)(4).

15. Section 20.735–35 is amended by revising paragraph (b)(2)(i) to read:

§ 20.735–35 How to file.

* * * * *

(b) * * *

(2) * * *

(i) Statutory prohibitions contained in § 20.735–22(c) or the Surface Mining Control and Reclamation Act filing requirements, and

* * * * *

§ 20.735–35 [Amended]

16. Section 20.735–35 is amended by removing paragraph (b)(3) and by adding a note between § 20.735–35(c)(2) and § 20.735–35(c)(3) to read: Note: "covered employee" means an employee who is serving in a position that requires the incumbent to file a financial disclosure statement.

17. Section 20.735–70 is amended by removing paragraphs (a)(18), (a)(19), (a)(20), and (a)(22). Then (a)(21) is redesignated as (a)(18); (a)(23) is redesignated as (a)(19); (a)(24) is redesignated as (a)(20); (a)(25) is redesignated as (a)(21); (a)(26) is redesignated as (a)(22); (a)(27) is redesignated as (a)(23).

18. Section 20.735–70 is amended by revising paragraph (a)(18) to read:

§ 20.735–70 Bibliography of statutes.

(a) * * *

(18) The requirement that each employee of the Office of Surface Mining Reclamation and Enforcement or any other Federal employee performing any function or duty under the Surface Mining Enforcement and Reclamation Act is prohibited from having a direct or indirect financial interest in underground or surface coal mining operations.

* * * * *

19. Appendix A–3 is revised to read as follows:

Appendix A–3—U.S. Department of the Interior, Bureau of Land Management; Employee Certification

Note.—The provisions in 43 CFR 20.735–22(c)(1) and 20.735–24 should be read completely before this statement is signed.

I have received a copy of the Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Assistant Bureau Ethics Counselor. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I do not have a direct or indirect interest in Federal lands as prohibited in 43 CFR 20.735–22(c)(1) and 20.735–24. I understand that an interest in Federal land is interpreted to include stock ownership in companies which lease Federal lands, leases, permits, contracts, mineral rights, grazing rights, etc.

I certify that I do not now have and that I will not acquire an active real estate license during the time I am an employee of the Bureau of Land Management.

(Employee's Name typed or printed) _____
(Signature of Employee)_____
(Title of Position)_____
(Date)_____

Instructions

1. All employees (including temporaries, reemployed annuitants, excepted appointments, etc.) of the Bureau of Land Management must complete the certifications on this form.

2. Your name must be printed or typed and a signature and date must be on the appropriate lines.

3. Signed certificates shall be sent to and maintained by the Servicing Personnel Office.

4. If you are unable to certify compliance, you must submit a statement of facts to the Assistant Ethics Counselor for review and action.

5. If you do not have a copy of the Department's regulations governing Responsibilities and Conduct (43 CFR Part 20), you may obtain a copy from your Personnel Office. If you do not know the name and location of the Assistant Bureau Ethics Counselor, your Personnel Office can provide you with the name and phone number.

Privacy Act Notice

43 CFR 20.735–22(c)(1), 43 CFR 20.735–24, and 5 U,S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

20. Appendix A–4 is amended to read as follows:

Appendix A–4—U.S. Department of the Interior, Bureau of Mines; Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Deputy and Assistant Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify that I have been informed of and that I am in compliance with prohibitions contained in 43 CFR 20.735–27 which implements the statutory restrictions contained in Title 30, U.S.C. 6. I understand

that these provisions prohibit employees of the Bureau of Mines from having any personal or private interests in any mine or the products of any mine under investigation by the Bureau; accepting employment from any private party for services in the examination of any mine or private mineral property; or issuing any report as to the valuation or the management of any mine or other private mineral property other than as part of my official duties.

Note.—The provisions in 43 CFR 20.735–27 should be read completely before the statement is signed.

Employee's Name (Typed or Printed) _____
Signature of Employee _____
Title of Position _____
Date _____

Instructions

1. All applicable employees of the Bureau of Mines shall complete the certifications of this form.

2. Signed certificates shall be maintained in the employee's Official Personnel Folder.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the ethics specialist for review and action.

Privacy Act Notice

30 U.S.C. 6 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

Appendices D, E, F, and G [Removed]

21. Part 20 of 43 CFR is amended by removing appendices D, E, F, and G.

[FR Doc. 84–4529 Filed 2–17–84; 8:45 am]
BILLING CODE 4310–10–M

Proposed Rules

Federal Register
Vol. 49, No. 35
Tuesday, February 21, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 53

Standards for Grades of Slaughter Lambs, Yearlings, and Sheep

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the official U.S. standards for grades of slaughter lambs, yearlings, and sheep to align them with the recently revised standards for their respective carcasses. A final rule to revise the official standards for grades of lamb, yearling mutton, and mutton carcasses was published in the **Federal Register** on September 13, 1982, 47 FR 40141. Since all of the changes to the carcass standards are not discernible in live animals, the current quality requirements for slaughter lambs, yearlings, and sheep do not require revision. However, consistent with the other carcass changes, this proposal would standardize the quality and conformation compensations, add descriptions of degrees of muscling associated with each grade to the conformation descriptions, and eliminate the Cull grade for slaughter lambs and yearlings. The proposed changes would make the live animal standards consistent with the carcass standards where possible.

DATE: Comments must be received on or before April 23, 1984.

ADDRESS: Written comments to: Standardization and Review Branch Livestock Division, Agricultural Marketing Service, 2M-Annex, U.S. Department of Agriculture, Washington, D.C. 20250. Comments must be signed and include the address of the sender and should bear reference to the date and page number of this issue of the **Federal Register**. Since the comments will be considered in the resolution of this proposal, they should include definitive information which explains and supports the sender's views. All written submissions will be made available for public inspection at the Standardization and Review Branch, Livestock Division, AMS, 2M-Annex, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Fuller, Deputy Director, Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4727.

SUPPLEMENTARY INFORMATION: The revision of the lamb carcass standards was reviewed under USDA procedures established to implement Executive Order 12291 and was classified as a non-major rule pursuant to sections 1(b)(1), (2), and (3) of that order because (1) it would not have an annual effect on the economy of $100 million or more, (2) it would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it would not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Those changes would not significantly affect the number of lamb carcasses in any grade.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, certified that this rule would not have a significant economic impact on a substantial number of small entities because the changes will merely simplify the teaching and application of the quality grade standards without significantly affecting the number of lambs in any grade.

Background

Tentative U.S. standards for the market classes and grades of slaughter ovine (lambs, yearling, and sheep) were prepared in 1917 to provide a basis on which the Federal Market News Service might issue market quotations on these animals according to a uniform classification. Revisions were made in these standards in 1936, 1940, 1951, 1957, and 1960. Yield grades were adopted in 1969. Generally, revisions through the years in the quality grade standards for lamb have been as this proposal is intended—to coordinate them with changes already made in the carcass standards. These standards have been used by the Department as the basis for market reporting of lamb and sheep prices and are also used by States which conduct official lamb grading programs.

The quality grade standards for slaughter ovine are based on a combination of conformation and quality. Under this proposal the conformation requirements would be unchanged, except that descriptions for various degrees of muscling associated with each grade will be added. However, the rate of compensation of quality for conformation and conformation for quality would be modified in the Choice, Good and Utility grades. In the present grades, compensation is on an equal basis in some cases, and in other cases a half grade of superior conformation or quality is needed to compensate for a third of a grade of inferior quality or conformation. Since the rate of compensation for both quality and conformation are different in different grades, the situation is often confusing. Teaching these compensations to new graders and others is especially difficult. Under these proposed standards all compensations of conformation for quality and quality for conformation would be on an equal basis. The limits and extent of compensations would not be changed. These proposed changes would conform the standards to the carcass standards. (7 CFR Part 54, 47 FR 40141).

Because of the limited number of young ovine which fail to qualify for the Good grade and because of the limited variation among such ovine, it was determined that four quality grades would be sufficient for young ovine. Therefore, it is proposed that the Cull grade in §§ 53.133(e) and 53.134(e) be dropped for the lamb and yearling classes, and all lambs and yearlings which fail to qualify for Good be graded Utility. The Cull grade would be kept for the sheep class. This proposed change would conform the standards with carcass standards.

Previous standards have combined the quality grade specifications for slaughter yearlings and sheep into one section. However, in the carcass standards, yearling mutton and mutton quality grade specifications are contained in separate sections. For greater consistency with the carcass

standards, it is proposed that the corresponding slaughter yearling and sheep specifications in § 53.134 be split into separate sections, proposed §§ 53.134 and 53.135. Present § 53.135 would be renumbered as § 53.136.

In summary, the changes involved in this proposed revision of the standards for grades of slaughter lambs, yearlings, and sheep would provide for the following:

(1) Descriptions of degrees of muscling would be added to the conformation requirements for each grade.

(2) The rate of compensation of conformation for quality and quality for conformation would be changed to be on an equal basis in all grades.

(3) In 7 CFR 53.132 the Cull grade would be dropped for the slaughter lamb and yearling classes.

(4) The quality grade specifications for slaughter yearlings and sheep would be split into separate sections and the yield grade specification section renumbered to allow space for the new section.

Minor non-substantive changes also are proposed throughout the standards to improve clarity and facilitate uniform interpretation.

List of Subjects in 7 CFR Part 53

Livestock (grading, certification, and standards), Lamb.

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

For the reasons set out in the preamble, the official U.S. standards for grades of slaughter lambs, yearlings, and sheep in 7 CFR Part 53 are proposed to be amended by redesignating § 53.135 as § 53.136, and revising §§53.132, 53.133, and 53.134, as follows:

1. The authority citation for Part 53 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

§ 53.135 [Redesignated as § 53.136]

2. Section 53.135 would be redesignated as § 53.136, a new § 53.135 would be added, and §§ 53.132 through 53.134 would be revised to read as follows:

Note.—In this document, new or revised text is enclosed by arrows (►◄). This proposed revision of the subpart also corrects typographical errors.

§ 53.132 Application of standards.

(a) *Grade factors.* Grades of slaughter ovine are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter ovine grade standards are based on factors which are directly related to the quality grades and the yield grades of ovine carcasses. The standards are written so that the quality and yield grade standards are contained in separate sections. The quality grade standards are divided into three sections applicable to slaughter lambs, slaughter yearlings, and slaughter sheep. There are four quality grades within each class—Prime, Choice, Good, and Utility for lambs and yearlings; and Choice, Good, Utility, and Cull of sheep. Also, there are five yield grades applicable to all classes of slaughter ovine, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability.

(b) *General principles.* (1) The determination of the carcass grade that the slaughter animal will produce requires the exercise of well-regulated judgment. Each animal presents a different combination of the grade-determining factors. Animals frequently have characteristics associated with two or more grades. Therefore, a composite evaluation of all inherent physical charcteristics is essential for accuracy in determining grade.

(2) The accurate determination of the grade of a slaughter ►ovine◄ requires handling in addition to visual observation. The length and density of the fleece vary greatly with individuals and the thickness and firmness of the flesh covering of wooled ►ovine◄ can only he roughly estimated without handling. The technique used in handling usually varies with the degree of precision in mind as well as the experience of the grader. Experienced graders may find one quick handling satisfactory. This usually consists of placing one open hand over the back and ribs in simultaneous motion. The thumb extends just over the backbone, while the fingers, which are held close together, cover the rib section and pressure is applied very lightly with a slight lateral and forward and backward motion. The generally accepted technique of handling ►ovine◄ where time permits, and especially when noting slight defferences between individuals, is to handle forward from the dock to neck with the open hand, fingers together, laid flat and with a slight lateral motion. Both hands may then be used, one on each side, in a similar manner to determine the fleshing over the shoulders, ribs, and hips. Regardless of the method, considerable experience is necessary in handling ovine to accurately determine the grade.

(c) *Quality grades.* (1) The quality grade of a slaughter ►ovine◄ is determined by a composite evaluation of two general considerations which influence carcass excellence: Conformation and quality—fatness, maturity, and other indicators of differences in palatability of the lean flesh.

(2) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. Although primarily determined by the inherent muscular and skeletal systems, it is also influenced by the degree of fatness. ►However, external fat in excess of that normally left on retail cuts is not considered in evaluating conformation. The conformation descriptions included in each of the grade specifications refer to the thickness of muscling and to an overall degree of thickness and fullness of the animal. Slaughter ovine which meet the requirements for thickness of muscling specified for a grade will be considered to have conformation adequate for that grade despite the fact that, because of a lack of fatness, they may not have the overall degree of thickness and fullness described. Conformation is evaluated by averaging the conformation of the various component parts, giving special consideration to those parts of the body◄ producing the more desirable cuts of meat—loin, hotel rack, and leg.

(3) In grading slaughter ►ovine,◄ quality of the lean flesh must necessarily be evaluated indirectly from consideration primarily of the quantity, distribution, and type of fat or finish in relation to the maturity of the animal being graded. Limited consideration is also given to such factors as character of bone and smoothness and symmetry of body. Finish is evaluated by noting variations in the fullness and apparent thickness of the fat covering over the back, loin, ribs, and legs. A high degree of desirable finish is evidenced by a firm, smooth layer of fat which is uniformly distributed over the body.

(4) Although the market designation of slaughter ovine is usually made by classes, the quality standards are intended to apply to all classes without regard to sex condition. However, male animals which have thick heavy necks and shoulders typical of uncastrated males are discounted in grade in proportion to the extent to which these characteristics are developed. Such discounts may vary from less than half a grade in young lambs in which such characteristics are barely noticeable to as much as two full grades in mature rams in which such characteristics are very pronounced.

(d) *Yield grades.* (1) The yield grades for slaughter ovine are based on the same factors used in the official yield grade standards for ovine carcasses. These factors are as follows:

(i) *Thickness of fat over ribeye.* As the amount of external fat increases, the percent of retail cuts decreases and the numerical yield grade increases. Assuming no change in the other factors, each 0.15 inch change in adjusted fat thickness over the ribeye changes the yield grade by a full grade. On slaughter ovine which do not have a normal distribution of external fat, the fat thickness estimate over the ribeye may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the animal.

(ii) *Percent of kidney and pelvic fat.* As the amount of these fats increases, the percent of retail cuts decreases. A change of 4 percent of the carcass weight in kidney and pelvic fat changes the yield grade by a full grade.

(iii) *Leg conformation grade.* An increase in the conformation grade of the legs increases the percent of retail cuts. A change of two full grades in conformation of the legs changes the yield grade by approximately one-third of a yield grade.

(2) When evaluating slaughter ovine for yield grade, each of these factors can be estimated and the yield grade determined therefrom by using the equation contained in the official standards for yield grades of lamb, yearling mutton, and mutton carcasses. However, a more practical method of appraising slaughter ovine for yield grade is to use only two factors normally considered in evaluating live ovine—degree of fatness and leg conformation. In this approach, the degree of fatness largely accounts for the effects of thickness of fat over the ribeye and the percent of kidney and pelvic fat.

(3) The overall fatness of an animal can be determined best by giving particular attention to those parts on which fat is deposited at at faster-than-average rate. These include the back, loin, rump, flank, breast, and cod or udder. As ovine increase in fatness, these parts become progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the legs. However, since an animal's thickness of muscling also affects the development of its various parts, this also needs to be considered when evaluating the degree of fatness. In thinly muscled ovine with a low degree of finish, the width of the back usually will be greater than the width through the center of the legs. Conserversely, in thickly muscled ovine with a low degree of finish, the thickness through the legs will be greater than through the back and the back will be full and rounded. At an intermediate degree of fatness, ovine which are thinly muscled will be considerably wider through the back than through the leg and will be nearly flat across the back. Thickly muscled ovine that have an intermediate degree of fatness will be about the same width through the legs as through the back and the back will appear only slightly rounded. Very fat ovine will be wider through the back than through the legs, but this difference will be greater in thinly muscled ovine than in those that are thickly muscled. As ovine increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and breast and along the underline. In determining yield grade, variations in fatness are of very much greater importance than variations in conformation of the leg.

(e) *Other considerations.* (1) Other factors such as sex, heredity, and management also may affect the development of grade-determining characteristics in slaughter ovine. Although these factors do not lend themselves to descriptions in the standards, the use of factual information of this nature is justified in determining the grade of slaughter ovines. The ability to make proper allowances for the effects of genetic and management factors on the appearance of grade-determining characteristics must be developed through experience.

(2) Slaughter ovine qualifying for any particular grade may vary with respect to the relative development of their individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more typical of ovine of another grade. Because it is impractical to describe the nearly infinite number of such recognizable combinations of characteristics, the standards describe only ovine which have a relatively similar development of the various quality and yield grade-determining factors and which are near the lower limits of quality or yield for the grade. However, examples of the extent to which superiority in quality-indicating characteristics may compensate for deficiencies in conformation, and vice versa, are indicated for each quality grade. In the slaughter lamb quality grade standards, the requirements are given for two maturity groups. In the yield grade standards, ovine with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 53.133 Specifications for official U.S. standards for grades of slaughter lambs (quality).

(a) *Prime.* (1) ►Slaughter lambs having minimum conformation◄ requirements for the Prime grade ►tend to be thickly muscled throughout and they are moderately wide and thick in relation to their length and height.◄ They are moderately wide over the back, loin, and rump. Shoulders and hips are usually moderately smooth. The twist is moderately deep and full and the legs are moderately large and plump. They generally present a well-rounded appearance due to a slight fullness or plumpness over the crops, loins, and rump. Relatively young lambs, under seven months of age, tend to have a moderately thin fat covering over the back, ribs, loins, and rump. In handling, the backbone and ribs are readily discernible. Older, more mature lambs have a slightly thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Prime grade lambs exhibit evidence of rather high quality. The bones tend to be proportionately small, the joints tend to be smooth, and the body tends to be smooth and symmetrical.

(2) To qualify for the Prime grade, a lamb must possess the minimum qualifications for finish regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of finish which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis, for development of conformation which is inferior to that specified for Prime as indicated in the following example: A lamb which has evidences of finish equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime. However, in no instance may a lamb be graded Prime which has a development of conformation inferior to that specified as minimum for the Choice grade.

(b) *Choice.* (1) ►Slaughter lambs having minimum conformation◄ requirements for the Choice grade ►are slightly thick muscled throughout and they tend to be slightly wide and thick in relation to their length and height.◄ They tend to be slightly wide over the back, loin, and rump. The shoulders and hips are usually slightly smooth but may exhibit a slight tendency toward prominence. The twist tends to be slightly deep and full, and the legs tend to be slightly thick and plump. Relatively young lambs, under seven months of age, have a thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are moderately prominent. Older, mature lambs have a moderately thin fat covering over the back, ribs, loin, and

rump. In handling, the backbone and ribs are slightly prominent. Choice grade lambs usually present a moderately refined appearance.

(2) ►A development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Choice as indicated in the following example: A lamb which has evidences of quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice. However, in no instance may a lamb be graded Choice which has a development of conformation inferior to that specified as minimum for the Good grade. Also, a lamb which has conformation at least one-third grade superior to that specified as minimum for the Choice grade may qualify for Choice with a development of quality equivalent to the lower limit of the upper one-third of the Good grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.◄

(c) *Good.* (1)► Slaughter lambs having minimum conformation◄ requirements for the Good grade ►are slightly thin muscled throughout, are moderately narrow in relation to their length and height and◄ are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs are slightly small and thin. Relatively young lambs, under seven months of age, have slightly more than a very thin, uneven fat covering over the back, loin, and upper ribs. In handling, the shoulders, backbone, hips, and ribs are prominent. Older, more mature lambs have slightly more than a thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are rather prominent. Good grade lambs may present evidences of slightly low quality. The bones and joints are usually moderately large, and the body is somewhat lacking in symmetry and smoothness.

(2) ►A development of quality which is superior to that specified as minimum for the Good grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Good as indicated in the following example: A lamb which has evidences of quality at least one-third grade superior to that specified as minimum for the Good grade may have conformation equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. However, in no instance may a lamb be graded Good which has a development of conformation inferior to the minimum for the upper one-third of the Utility grade. Also, a lamb which has conformation at least one-third grade superior to that specified as minimum for the Good grade may qualify for Good with a development of quality equivalent to the lower limit of the upper one-third of the Utility grade. Compensation of superior conformation for inferior quality is also limited to one-third grade of deficient quality.◄

(d) *Utility.* ►The Utility grade consists of those lambs whose characteristics are inferior to those specified as minimum for the Good grade.◄

§ 53.134 Specifications for official U.S. standards for grades of slaughter ►yearlings (quality).◄

(a) *Prime.* (1) ►Slaughter yearlings having minimum conformation requirements for the Prime grade tend to be thickly muscled throughout, are moderately wide and thick in relation to their length and height, and they are moderately wide over the back, loin, and rump.◄ Shoulders and hips are usually moderately smooth. The twist is moderately deep and full, and the legs are moderately large and plump. There is a rather distinct fullness or plumpness evident over the crops, lions, and rump which contributes to a well-rounded appearance. There is a slightly thick fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are hardly discernible. Prime grade slaughter yearlings exhibit evidences of rather high quality. The bones tend to be proportionately small, the joints tend to be smooth, and the body tends to be smooth and symmetrical.

(2) ►Regardless of the extent to which its conformation may exceed the minmum requirements for Prime, a yearling must have minimum Prime quality to be eligible for the Prime grade. However, a development of quality which is superior to that specified as minmum for the Prime grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Prime as indicated in the following example: A yearling which has evidence of quality equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime. However, in no instance may a yearling be graded Prime which has a development of conformation inferior to that specified as minimum for the Choice grade.◄

(b) *Choice.* (1) ►Slaughter yearlings having minimum conformation◄ requirements for the Choice grade are slightly thick muscled throughout, they tend to be slightly wide and thick in relation to their length and height, and◄ they tend to be slightly wide over the back, loin, and rump. The shoulders and hips are usually slightly smooth but may show a slight tendency toward prominence. The twist tends to be slightly deep and full and the legs tend to be slightly thick and plump. They have a slightly thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are readily ►discernible. Choice◄ grade slaughter ►yearlings◄ usually present a moderately refined appearance.

(2) ►A development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Choice as indicated in the following example: A yearling which has evidences of quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice. However, in no instance may a yearling be graded Choice which has a development of conformation inferior to that specified as minimum for the Good grade. Also, a yearling which has a development of conformation at least one-third grade superior to that specified as minimum for the Choice grade may qualify for Choice with a development of quality equivalent to the lower limit of the upper one-third of the Good grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.◄

(c) *Good.* (1) ►Slaughter yearlings having minimum conformation◄ requirements for the Good grade ►are slightly thin muscled throughout, are moderately narrow in relation to their length and height, and◄ are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow, and the legs are slightly small and thin. They have slightly more than a moderately thin fat covering over the back, loin, and upper ribs. In handling, the shoulders, backbone, hips, and ribs are rather ►prominent. Good◄ grade yearlings may present evidences of slightly low quality. The body is somewhat lacking in symmetry and smoothness.

(2) ►A development of quality which is superior to that specified as minimum for the Good grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Good as indicated in the following example: A yearling which has evidences of quality at least one-third grade superior to that specified as minimum for the Good grade may have conformation equivalent to the minimum for the upper one-third of the Utility grade and remain eligible for Good. However, in no instance may a yearling be graded Good which has a development of conformation inferior to the minimum for the upper one-third of the Utility grade. Also, a yearling which has conformation at least one-third grade superior to that specified as minimum for the Good grade may quality for Good with a development of quality equivalent to the lower limit of the upper one-third of the Utility grade. Compensation of superior conformation for inferior quality is also limited to one-third grade of deficient quality.◄

(d) *Utility.* ►The Utility grade includes those yearlings whose characteristics are inferior to those specified as minimum for the Good grade.◄

§ 53.135 Specifications for official U.S. standards for grades of δslaughter sheep (Quality).γ

►(a) *Choice.* (1) Slaughter sheep having minimum conformation requirements for the Choice grade are slightly thick muscled throughout, they tend to be slightly wide and thick in relation to their length and height, and they tend to be slightly wide over the back, loin, and rump. The shoulders and hips are usually slightly smooth but may show a slight tendency toward prominence. The twist tends to be slightly deep and full, and the legs tend to be slightly thick and plump. They have a slightly thick fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Choice grade slaughter sheep usually present a moderately refined appearance.

(2) A development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Choice as indicated in the following example: A sheep which has evidences of quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice. However, in no instance may a sheep be graded Choice which has a development of conformation inferior to that specified as minimum for the Good grade. Also, a sheep which has conformation at least one-third grade superior to that specified as minimum for the Choice grade may qualify for Choice with a development of quality equivalent to the lower limit of the upper one-third of the Good grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(b) *Good.* (1) Slaughter sheep having minimum conformation requirements for the Good grade are slightly thin muscled throughout, are moderately narrow in relation to their length and height, and they are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs are slightly small and thin. They have a slightly thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are slightly prominent. Good grade sheep may present evidences of slightly low quality. The body is somewhat lacking in symmetry and smoothness.

(2) A development of quality which is superior to that specified as minimum for the Good grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Good as indicated in the following example: A sheep which has evidences of quality equivalent to the midpoint of the Good grade may have conformation equivalent to the midpoint of the Utility grade and remain eligible for Good. However, in no instance may a sheep be graded Good which has a development of conformation inferior to that specified as minimum for the Utility grade. Also, a sheep which has conformation at least one-third grade superior to that specified as minimum for the Good grade may qualify equivalent to the lower limit of the upper one-third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(c) *Utility.* (1) Slaughter sheep having minimum conformation requirements for Utility grade are thinly muscled throughout, are very angular and very narrow in relation to their length and height, and they are very thin fleshed, very narrow over the back, loin, and rump, and very shallow in the twist. The hips are very prominent, and the shoulders are usually open, rough, and prominent. The legs are very small and thin and present a slightly concave appearance. Utility grade slaughter sheep show no visible evidences of fat covering. In handling, the bones of the shoulders, backbone, hips, and ribs are so thinly covered that they are very prominent. Utility grade slaughter sheep are of rather low quality. The bones and joints are proportionately large, and the body is very rough and unsymmetrical.

(2) A development of quality which is superior to that specified as minimum for the Utility grade may compensate, on an equal basis, for a development of conformation which is inferior to that specified as minimum for Utility as indicated in the following example: A sheep which has evidences of quality at least one-third grade superior to that specified as minimum for the Utility grade may have conformation equivalent to the minimum for the upper one-third of the Cull grade and remain eligible for Utility. However, in no instance may a sheep be graded Utility which has a development of conformation inferior to the minimum for the upper one-third of the Cull grade. Also, a sheep which has conformation at least one-third grade superior to that specified as minimum for the Utility grade may qualify for Utility with a development of quality equivalent to the lower limit of the upper one-third of the Cull grade. Compensation of superior conformation for inferior quality is also limited to one-third grade of deficient quality.

(d) *Cull.* (1) The Cull grade includes those slaughter sheep whose characteristics are inferior to those specified as minimum for the Utility grade.◄

►§ 53.136◄ Specifications for official U.S. standards for grades of slaughter lambs, yearlings, and sheep (Yield). [Redesignated from § 53.135]

* * * * *

Done at Washington, D.C., on February 14, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-4567 Filed 2-17-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 83-AWA-26]

Proposed Department of Energy Prohibited Areas

Correction

In FR Doc. 84-3990 beginning on page 4765 in the issue of Wednesday,

February 8, 1984, make the following corrections.

On page 4768, second column, third line under "Livermore, CA (Rotorcraft) [New]", "to lat. 37°89'07"" should read "to lat. 37°39'07""; third column, under "Idaho Falls, ID (Rotorcraft) [New]", sixth line, "to lat. 43°48'48'40"" should read "to lat. 43°48'40"".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240 and 270

[Release No. IC-13765; S7-1005]

Status of Savings and Loan Associations Under the Federal Securities Laws; Advance Notice of Possible Commission Action

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Securities and Exchange Commission announced today that it has extended until March 13, 1984 the date by which comments on Investment Company Act Release No. 13666 (December 12, 1983) [48 FR 56061 (December 19, 1983)], on the status of savings and loan associations under the Federal securities laws, must be submitted. The Commission has received a request for extension of the comment period on this release and believes that the extension will be beneficial because it will result in the receipt of additional useful comments. The original comment period would have ended on February 13, 1984.

DATE: Comments must be received on or before March 13, 1984.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Stop 6-9, Washington, D.C. 20549. Comments should refer to File No. S7-1005 and will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Jackson, Special Counsel to the Director, (202) 272-2751, Division of Investment Management.

SUPPLEMENTARY INFORMATION: In Investment Company Act Release No. 13666, the Securities and Exchange Commission announced that it was requesting public comment on whether the Commission should propose new rules or legislation which would have the effect of affording certain savings and loan associations the same treatment given banks under certain exemptive provisions in the federal securities laws. Specifically, the rulemaking or legislation under consideration would permit savings and loan associations to: (1) Operate certain common and collective trust funds without registering as investment companies and without registering interests in those funds as securities under the federal securities laws; and (2) to manage the funds and otherwise act as an investment adviser without registering with the Commission.

The Commission has received a request that the comment period on Investment Company Act Release No. 13666 be extended. In view of this request and in order to receive the benefit of comments from the greatest number of interested persons, the Commission has extended the comment period for the release until March 13, 1984.

By the Commission.

Dated: February 13, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-4510 Filed 2-17-84; 8:45 am]

BILLING CODE 8010-01-M

RAILROAD RETIREMENT BOARD

20 CFR PART 299

Determination of the Level of Annuities Under the Railroad Retirement Act

AGENCY: Railroad Retirement Board.

ACTION: Withdrawl of proposed rule.

SUMMARY: The Railroad Retirement Board published a proposed rule in the Federal Register on July 8, 1983 (48 FR 31410) to provide for the reduction of annuities beginning October 1, 1983, due to a projected shortfall in funds in the Railroad Retirement Account to pay annuities in fiscal year 1984. On August 12, 1983, the Railroad Retirement Solvency Act of 1983 was enacted into law to restore the railroad retirement system to a financially sound condition. With enactment of the Railroad Retirement Solvency Act of 1983, the Board will be able to pay annuities at the full rate in fiscal year 1983 and there will be no need for adoption of a regulation under section 22 of the Railroad Retirement Act. Accordingly, the Board is withdrawing the proposed rule under section 22 of the Railroad Retirement Act.

DATE: This withdrawal is effective February 21, 1984.

ADDRESS: Office of Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4944 (FTS 387-4944).

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board hereby withdraws the proposed rule, which would have been codified at 20 CFR Part 299, as published in the Federal Register on July 8, 1983.

Dated: Feburary 13, 1984.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 84-4538 Filed 2-17-84; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 158

[Docket No. 83N-0108]

Quick Frozen Brussels Sprouts; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen brussels sprouts based on the Codex Alimentarius Commission Standard for Quick Frozen Brussels Sprouts (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC. 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 29, 1983 (48 FR 19413), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex standard for quick frozen brussels sprouts and to comment on the desirability of, and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture

Organization/World Health Organization's Codex Alimentarius Commission

Two comments were received from a frozen food producer and a trade association in response to the advance notice of proposed rulemaking. Both comments opposed the establishment of a standard of identity for quick frozen brussels sprouts.

Having considered the comments received and other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen brussels sprouts under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen brussels sprouts based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen brussels sprouts upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen brussels sprouts may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: February 13, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4483 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 158

[Docket No. 83N-0110]

Quick Frozen Cauliflower; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food aund Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen cauliflower based on the Codex Alimentarius Commission Standard for Quick Frozen Cauliflower (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 10, 1983 (48 FR 20935), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex Standard for Quick Frozen Cauliflower and to comment on the desirability of and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

A single letter was received from a frozen food producer in response to the advance notice of proposed rulemaking. The letter opposed the establishment of a standard of identity for quick frozen cauliflower and stated that there are no food safety, nutrition, or economic issues for the consumer that require the additional burden of a formal standard of identity. The comments added that the industry continues to produce safe, wholesome, and nutritious products without the need for formal standards of identity.

Having considered the comment received and other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen cauliflower under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen cauliflower based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen cauliflower upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen cauliflower may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: February 13, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4484 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 158

[Docket No. 83N-0109]

Quick Frozen Green Beans and Quick Frozen Wax Beans; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen green beans and quick frozen wax beans based on the Codex Alimentarius Commission Standard for Quick Frozen Green Beans and Quick Frozen Wax Beans (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 29, 1983 (48 FR 19409), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex standard for quick frozen green beans and quick frozen wax beans and to comment on the desirability of, and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

Two comments were received from a frozen food producer and a trade association in response to the advance notice of proposed rulemaking. Both comments opposed the establishment of a standard of identity for quick frozen green beans and quick frozen wax beans.

Having considered the comments received and other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen green beans and quick frozen wax beans under the authority of

section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen green beans and quick frozen wax beans based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen green beans and quick frozen wax beans upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen green beans and quick frozen wax beans may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: February 10, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4482 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 158

[Docket No. 83N-0105]

Quick Frozen Corn-on-the-Cob; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen corn-on-the-cob based on the Codex Alimentarius Commission Standard for Quick Frozen Corn-on-the-Cob (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 29, 1983 (48 FR 19399), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex Standard for Quick Frozen Corn-on-the Cob and to comment on the desirability of, and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

Letters were received from a frozen food producer and a trade association in response to the advance notice of proposed rulemaking. Both letters opposed establishment of a standard of identity for quick frozen corn-on-the-cob.

Having considered the comments received and all other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen corn-on-the-cob under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen corn-on-the-cob based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen corn-on-the-cob upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen corn-on-the-cob may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: February 13, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4485 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 158

[Docket No. 83N-0106]

Quick Frozen Whole Kernel Corn; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen whole kernel corn based on the Codex Alimentarius Commission Standard for Quick Frozen Whole Kernel Corn (codex strandard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington D.C. 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 29, 1983 (48 FR 19396), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex Standard for Quick Frozen Whole Kernel Corn and to comment on the desirability of, and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

Letters were received from a frozen food producer and a trade association in response to the advance notice of proposed rulemaking. Both letters opposed the establishment of a standard of identify for quick frozen whole kernel corn.

Having considered the comments received and all other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen whole kernel corn under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen whole kernel corn based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen whole kernel corn upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen whole kernel corn may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: February 13, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4486 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 158

[Docket No. 83N-0111]

Quick Frozen Broccoli; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen broccoli based on the Codex Alimentarius Commission Standard for Quick Frozen Broccoli (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204; 202-485-0107

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 29, 1983 (48 FR 19403), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex Standard for Quick Frozen Broccoli and to comment on the desirability of, and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

Letters were received from a frozen food producer and a trade association in response to the advance notice of proposed rulemaking. Both letters opposed the establishment of a standard of identity for quick frozen broccoli.

Having considered all the comments received and all other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen broccoli under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen broccoli based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen broccoli upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen broccoli may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: February 13, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4487 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 158

[Docket No. 83N-0107]

Quick Frozen French Fried Potatoes; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen french fried potatoes based on the Codex Alimentarius Commission Standard for Quick Frozen French Fried Potatoes (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 29, 1983 (48 FR 19406), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex Standard for Quick Frozen French Fried Potatoes and to comment on the desirability of, and need for, a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization's Codex Alimentarius Commission.

Three letters were received from two frozen food producers and a trade association in response to the advance notice of proposed rulemaking. All opposed the establishment of a standard of identity for quick frozen french fried potatoes.

Having considered the comments received and all other relevant information, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen french fried potatoes under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen french fried potatoes based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen french fried potatoes upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard for quick frozen french fried potatoes may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulation.

Dated: February 13, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-4488 Filed 2-17-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 207

San Diego Bay, Calif., Naval Restricted Area

Correction

In FR Doc 84-2410 beginning on page 3419 in the issue of Friday, January 27, 1984, make the following correction:

On page 3492, first column, in the table, under the heading "Longitude," the seventh entry "117°08'4" W." should read "117°08'45" W".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2523-5]

Nevada State Implementation Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to approve the Nevada 1982 carbon monoxide (CO) State Implementation Plan (SIP) revision for the Las Vegas Valley. This notice also proposes to approve amendments to the State motor vehicle inspection and maintenance (I/M) regulations, and to incorporate the amended regulations and State authorizing legislation into the approved SIPs for Las Vegas Valley and Truckee Meadows. These were submitted in response to a CAA request for those areas not attaining the NAAQS. Final action will result in a fully approve CO SIP for Las Vegas Valley.

DATE: Comments should be submitted to EPA on or before March 22, 1984.

ADDRESS: Send any comments to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Liaison Section (A–2–2), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the 1982 SIP revision, the Supplemental Revision submitted on September 14, 1983, and EPA's evaluations may be inspected during normal business hours at the above address or at the following locations:

Nevada Department of Conservation and National Resources, 201 S. Fall Street, Room 221, Carson City, NV 89710

Regional Administrative Planning Agency, 241 Ridge Street, Reno, NV 89504

Clark County Department of Comprehensive Planning, 225 Bridger Ave. 7th Floor, Las Vegas, NV 89155

FOR FURTHER INFORMATION CONTACT: Barbara Maco, State Liaison Section Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Telephone No. (415) 974–7653, FTS: 454–7653.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1983 (48 FR 5073) EPA proposed to disapprove the 1982 CO SIP revision for the Las Vegas Valley, State of Nevada. A correction notice which noted an error in the "Proposed Actions" section of the February 3, 1983 proposal notice was published on April 18, 1983 (48 FR 16508).

EPA proposed to disapprove the 1982 SIP revision for Las Vegas Valley since the delay in implementing the vehicle inspection and maintenance (I/M) program to July 1, 1983, did not represent an implementation schedule which was as expeditious as practicable. The start-up date of July 1, 1983 was also inconsistent with established I/M policy. EPA also proposed to approve all other portions of the SIP revision. EPA futher proposed that if the major deficiency—delayed implementation of the I/M program—was not remedied before the EPA takes final action, EPA would disapprove the SIP revision. This deficiency was discussed in detail in the Technical Support Document (TSD) for the Nevada CO SIP revisions.

The July 1, 1983 I/M start date for Truckee Meadows was not cited as a major deficiency because I/M was not specifically required for Truckee Meadows.

The February 3, 1983 notice of proposed rulemaking provided for a 45 day comment period ending on March 21, 1983. On March 21, 1983 EPA extended the public comment period an additional 45 days to May 5, 1983 for plans proposed to be disapproved (see 48 FR 11725).

On May 26, 1983, the Nevada State Legislature adopted Assembly Bill 677 which mandated start-up of an annual I/M program in Las Vegas Valley and Truckee Meadows on October 1, 1983. The State Department of Conservation and Natural Resources and the Department of Motor Vehicles subsequently revised the existing I/M rules and regulations. After two public workshops in July and State Environmental Commission (SEC) hearings in August, 1983, the SEC adopted the revised I/M rules and regulations.

Supplemental Revisions

On September 14, 1983, the Governor of Nevada submitted: (1) State legislation which mandated the start-up of an I/M program by October 1, 1983, (2) the revised I/M rules and regulations adopted by the SEC on August 24, 1983, and (3) an I/M public education plan. These submittals revise the previously approved I/M program rules and regulations (46 FR 21758; April 14, 1981) as follows: (1) The startup date changed from July 1, 1981 to October 1, 1983; (2) vehicle coverage is expanded to include an additional 18% of the vehicle fleet in Clark and Washoe Counties; (3) testing is for CO only, using the existing CO cutpoints (the test for HC has been deleted); and (4) the test procedures require mandatory adjustments to manufacturer's specifications with no waivers if a 1965–1981 model year vehicle fails the initial test. The procedures require 1982 and newer vehicles to pass the cutpoints unless emission related repair costs exceed $100.00; the previous waiver limit was $25.00 for parts or $75.00 for labor. A more detailed evaluation of these submittals is contained in the Technical Support Document for this proposed rulemaking action.

The I/M program began in Las Vegas Valley and Truckee Meadows on October 1, 1983 as required by AB 677. The current program also expands the vehicle coverage and therefore continues to comply with EPA's reasonably available control technology requirement for I/M programs. Further, the public awareness plan satisfies the one remaining I/M program deficiency noted in the April 14, 1981 and February 3, 1983 **Federal Register** notices.

Public Comments

EPA received four comments which address this 1982 SIP revision. EPA has prepared responses to these comments as part of the Technical Support Document for this rulemaking. The following is a summary of the comments and EPA's response to substantive issues which relate to EPA's actions proposed on February 3, 1983.

Comments were received from the Clark County Department of Comprehensive Planning (CCDCP), the Nevada Department of Conservation and Natural Resources (NDCNR), and from the Honorable Barbara F. Vucanovich, Nevada Congressional Representative. The CCDCP noted that reasonable efforts were being made to implement an I/M program. These included commitments in the SIP, initiation of a program in Clark County in January, 1980 (this program was revoked in May of the same year), and the ongoing efforts by state and local agencies to make recommendations for revised I/M regulations that would adequately protect consumers. CCDCP also believed that the section 110 construction ban and section 176 (a) and (b) funding limitations would be inconsistent and counter-productive. EPA disagrees that all reasonable efforts were being demonstrated by these actions. A later comment by CCDCP, dated October 25, 1983, noted that the ongoing state program substantially met the requirements of the Clean Air Act. EPA agrees and is now proposing to approve the Las Vegas Valley SIP.

NDCNR stated that the program would be started by July, 1983, and that the earlier change of ownership program resulted in significant emissions reductions. NDCNR also submitted a public awareness program. Again, EPA disagrees that reasonable efforts were

being made when there was no defensible argument for further delaying I/M implementation. As described in this notice, EPA is proposing to approve the public awareness plan submitted by NDCNR. The public awareness plan adequately satisfies the noted deficiency.

Congresswoman Vucanovich requested a two-year extension to implement the program. As discussed in the Supplementary Revisions, EPA is approving both the new I/M legislation and the public awareness program, thus alleviating the need for a two-year extension.

Proposed Actions

Based on EPA's review of Nevada's September 14, 1983 submittal and the public comments to the February 3 Proposed Rulemaking, EPA proposes:

(1) To approve the September 14, 1983 submittal, which includes the I/M legal authority (AB 677), revised I/M rules and regulations and an I/M public awareness plan, and incorporate it into the SIP for Las Vegas Valley and Truckee Meadows under Section 110 of the CAA.

(2) To fully approve the 1982 Las Vegas Valley SIP revision for CO and incorporate it into the SIP under Section 110 of the CAA.

Interested parties are invited to comment on all aspects of these proposed actions regarding the Nevada SIP. Comments should be submitted to the EPA Region 9 Office.

The Administrator has certified that SIP actions do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709). The Office of Management and Budget has exempted this rulemaking from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

Authority: Sections 110, 129, 171, to 178, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7503 and 7601(a)).

Dated: December 28, 1983.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 84-3509 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 18

NASA Implementation of the Federal Acquisition Regulation (FAR); NASA Federal Acqusition Regulation Supplement (NASA/FAR Supplement)

AGENCY: NASA Office of Procurement, Procurement Policy Division.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the NASA proposal to establish the NASA Federal Acquisition Regulation Supplement as Chapter 18 of the Federal Acquisition Regulations System. The FAR and the NASA FAR Supplement will supersede the current NASA Procurement Regulation. The proposed NASA FAR Supplement is available for review and comment.

DATE: Comments are due not later than March 22, 1984.

ADDRESS: Requests for copies of the proposal and comments should be addressed to NASA Headquarters Office of Procurement, Procurement Policy Division (Code HP), Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-453-2118.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. NASA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

List of Subjects in 48 CFR Ch. 18

NASA Federal Acquisition Regulation Supplement, Government procurement.

S. J. Evans,

Assistant Administrator for Procurement.

[FR Doc. 84-4530 Filed 2-17-84; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Reclassify the Snail Darter (Percina Tanasi) From an Endangered Species to a Threatened Species and Rescind Critical Habitat Designation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to reclassify the snail darter (*Percina tanasi*) from an endangered species to a threatened species which the Service believes better reflects its present status. This decision is based on the results of recent snail darter research and on the recommendations of the Snail Darter Recovery Team and the conclusions of the Service's approved Snail Darter Recovery Plan (U.S. Fish and Wildlife Service, 1983a). The snail darter is presently known from only six Tennessee River tributaries and from the main stem of the Tennessee River near the mouth of three tributaries. Most of these populations are extremely small and subject to threats to their continued existence. Neither the Service nor the Snail Darter Recovery Team believes sufficient evidence is presently available to allow the species to be removed from Endangered Species Act protection. The Service also proposes to rescind presently designated snail darter critical habitat on the Little Tennessee River, Loudon County, Tennessee. This area no longer functions as snail darter habitat. It was flooded by the Tellico Reservoir when a Federal law was passed exempting the Tellico Project from Endangered Species Act consideration. Reclassification of the species and rescinding critical habitat would not remove the Act's protection as the snail darter would continue to be protected as a threatened species. Comments and information pertaining to this proposal are sought from the public.

DATE: Comments from all interested parties must be received by April 23, 1984. Public hearing requests must be received by April 6, 1984.

ADDRESSES: Interested persons, organizations, agencies, and local governments are requested to submit comments to the Field Supervisor, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville,

North Carolina 28801. Comments and materials relating to this proposal are available for inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259–0321 or FTS 8/672–0321), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771 or FTS 8/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The snail darter was first collected in August 1973 in the lower reaches of the Little Tennessee River, Loudon County, Tennessee, and was described by Dr. David Etnier (1976) as *Percina (Imostoma) tanasi*. The species is characterized as a robust fish, rarely exceeding 3.4 inches. The background color of the upper portion of the fish's sides is brown with a faint trace of green. Four saddle-like marks cross the back of the fish. The lower part of the sides are lighter and interspersed with dark blotches.The belly is white and the upper portion of the head is dark brown. The cheeks are mottled brown and interspersed with traces of yellow. The fish inhabits shoal areas where the adults spawn. The hatchling young drift downstream and later return to the shoal areas.

The snail darter was listed as an endangered species on October 9, 1975 (40 FR 47506). Critical habitat on the Little Tennessee River, from river mile 0.5 to river mile 17, Loudon County, Tennessee, was designated on April 1, 1976 (41 FR 13926–13928). On September 25, 1979, a Federal law exempted the Little Tennessee River Tellico Reservoir Project from Endangered Species Act consideration. The Reservoir was subsequently completed and a reproducing snail darter population no longer exists in the Little Tennessee River.

When the species was listed and its critical habitat designated the only known population was threatened by the imminent completion of Tellico Dam and the flooding of the fish's Little Tennessee River habitat. Prior and subsequent to the completion of the Tellico Reservoir project, snail darters were introduce to other streams in the Tennessee River Valley. These introductions thus far have proven successful only in the Hiwassee River, Polk County, Tennessee.

Snail darters were found in the Tennessee River, Loudon County, Tennessee, near the mouth of the Little Tennessee River in 1979. Subsequently, they were discovered in South Chickamauga Creek, Hamilton County, Tennessee, in 1980 and later in Catoosa County, Georgia. These discoveries led to additional searches in the Tennessee River and its tributaries. These searches resulted in the discovery of snail darters inhabiting three other Tennessee River tributaries (Sewee Creek, Meigs County, Tennessee; Sequatchie River, Marion County, Tennessee; and Paint Rock River, Jackson and Madison Counties, Alabama), and the main stem of the Tennessee River near the mouth of two tributaries, South Chickamauga Creek (Nickajack Reservoir, Marion County, Tennessee) and Sequatchie River (Guntersville Reservior, Marion County, Tennessee). Review of these data in 1982 by the Snail Darter Recovery Team and the Service during its recovery planning process led the Service to determine that the species could be reclassified from endangered to threatened status. Neither the Recovery Team nor the Service felt sufficient evidence was available for the species to be removed entirely from Endangered Species Act protection.

On July 21, 1983 (48 FR 33328–33329), the Service published an advance notice of a proposed rule to reclassify or delist the snail darter. That notice:

(1) Reaffirmed the Service's conclusion that the species, based on available data, could not be removed entirely from Endangered Species Act protection, but that it could be safely reclassified to threatened status;

(2) Presented the three alternatives from the Service's approved Snail Darter Recovery Plan by which the species could be judged eligible for removal from the list of endangered and threatened wildlife; and

(3) Stated that the Service was involved in an extensive snail darter survey of Tennessee River tributaries aimed at satisfying Alternative B in the Snail Darter Recovery Plan. That criterion states that the species shall be considered recovered when:

> * * * more Tennessee River tributary populations of the species are discovered and existing populations are not lost. The number of additional populations needed to meet this criteria (sic) would vary depending on the status of the new populations, but two populations similar to Sewee Creek, South Chickamagua Creek, or Sequatchie River populations, or one comparable to the Hiwassee River population, would denote recovery." And "No present or forseeable threats exist which could cause the species to become in danger of extinction throughout a significant portion of its range.

The Service has completed its snail darter survey (U.S. Fish and Wildlife Service, 1983b). The study confirmed that snail darters were still surviving in each of the five Tennessee River tributaries known to be inhabited by the species at the time the study was conducted. This survey did not uncover any new populations although twelve other Tennessee River tributaries were searched. However, one snail darter was found in the Little River, Blount County, Tennessee, by an independent stream survey crew (Dr. David Etnier, personal communication, September 1983). This river has been extensively surveyed in the past, and communication with biologists familiar with the species and the Little River indicates that it is unlikely that a substantial population exists there.

The Snail Darter Recovery team reviewed the results of the Service's snail darter survey at a Recovery Team meeting on September 1, 1983. The conclusions reached at that meeting were communicated to the Regional Director, U.S. Fish and Wildlife Service, Atlanta, Georgia, in a September 2, 1983, letter from the Recovery Team leader. That letter made three recommendations to the Service: (1) The snail darter could be downlisted from endangered to threatened status, (2) insufficient data were available to consider removing the species from the Federal list, and (3) the requirements for a Federal permit to collect snail darters should be retained if downlisting occurs. Subsequent to the discovery of a snail darter in the Little River, Blount County, Tennessee, Recovery Team members were contacted to determine if this find changed their recommendations regarding the snail darter's future Federal status. All team members contacted were in agreement that the find of a snail darter in the Little River did not satisfy Alternative B (see above) of the Recovery Plan. They recommended that the Service proceed with reclassifying the species to threatened status.

The July 21, 1983, **Federal Register** (48 FR 33328–33329) also solicited comments from government agencies, local governments, the scientific community, and other interested parties concerning the species' status, and environmental and other impacts of a proposal to downlist or delist the snail darter. The following is a summary of the responses received.

The Atlanta, Georgia, Regional Office of the Federal Energy Regulatory Commission responded that they were forwarding the Service's request for information to their Washington, D.C.

office for response. We received no further comments from this agency.

All three of the State conservation agencies whose states are inhabited by the snail darter, the Alabama Department of Conservation and Natural Resources, the Georgia Department of Natural Resources (GDNR), and the Tennessee Wildlife Resources Agency (TWRA) supported reclassification of the species from endangered to threatened status. Both the GDNR and TWRA further stated that insufficient data were available to make the decision to delist the species.

The Vice-President, North American Production, Conoco, Inc., commended the Service for its proposal to reclassify or delist the snail darter. He further stated that he believed it was evident the snail darter was in adequate supply for such a step.

The National Wildlife Federation supported the reclassification of the snail darter from endangered to threatened status. They concluded their letter by stating:

> * * * biological information on the snail darter indicates that the species is not in immediate danger of extinction and therefore we agree that the species should be reclassified to the threatened category. Delisting the species is not warranted at this time. The well-being of most newly discovered populations is unknown. Habitat degradation continues to propose potential threats and population monitoring, conducted over several years, will be necessary to determine the status of the fish throughout its range.

During the development of the decision to propose reclassification of the snail darter the Service reviewed two other alternatives: (1) Remove the species from the Federal list and (2) retain endangered species status for the species. The Service concluded that neither of these options was appropriate for the following reasons.

The species, by virtue of its distribution, no longer fits the Endangered Species Act definition of endangered which is defined as: "* * * any species which is in danger of extinction throughout all or a significant portion of its range * * *" Conversely, due to threats to the species' continued existence and the scant knowledge concerning the viability of most of the known populations, it would not be in keeping with the Service's administrative responsibilities under the Act to remove the snail darter from Federal protection. Threatened status best reflects the current status of the species, i.e., a species that is likely to become an endangered species within the forseeable future throughout all or a significant portion of its range.

As part of the decision process to rescind the present critical habitat in the Little Tennessee River, Loudon County, Tennessee, the Service considered two other alternatives: (1) Maintain the present critical habitat and (2) designate critical habitat in rivers known to contain snail darter populations. The Service rejected these options for the following reasons.

A September 25, 1979 Federal law exempted the Little Tennessee River Tellico Reservoir Project from Endangered Species Act consideration. The critical habitat was subsequently inundated and is now unsuitable for snail darters. Critical habitat designation is no longer appropriate for this river reach.

The snail darter has received much notoriety. For this reason the Service believes a detailed description of the species' habitat, required during the critical habitat designation process, would draw attention to those specific areas inhabited by the species and could threaten the species by increasing the likelihood of illegal take.

Summary of Factors Affecting the Species

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—see proposed rule of August 8, 983 (48 FR 36062)] set forth the procedures for reclassifying species on the Federal list. A species shall be determined to be 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 subject species, are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The historic range of the snail darter is virtually impossible to determine as essentially no preimpoundment collections were made from the main channel Tennessee River or its major tributaries. However, the Snail Darter Recovery Plan states that the species' range prior to the impoundments probably included gravel shoal habitat areas of the main channel Tennessee River and the lower reaches of its tributaries from perhaps north central Alabama upstream into eastern Tennesses. Presently, the snail darter is known from six Tennessee River tributaries and the main stem of the Tennesses River near the mouth of three tributaries.

Little River, Blout County, Tennessee. One snail darter was collected in the Little River in September 1983. This is the only specimen known from the river although the river has received considerable sampling. The specific site where the fish was taken has been sampled six times. The most recent collection (October 1983) was aimed at finding snail darters (Dr. David Etnier, personal communication, November 1983), but none were taken. This population is believed to be very small.

Little River watershed is rural and sparsely developed. The river contains a diverse assemblage of fish species which indicates quality habitat.

Tennessee River at Watts Bar Reservoir, Loudon County, Tennessee. Snail darters were discovered in Watts Bar Reservoir in 1979 and have been observed on numerous occasions since. However, it is not known if these fish represent a reproducing population or are remnants of the now extirpated Little Tennessee River population. The Little Tennessee River previously entered Watts Bar Reservoir at Tennessee River Mile (TRM) 601.1. If a population does exist in Watts Bar Reservoir it could be threatened by port facility development proposed for TRM 592.5 and TRM 600.2.

Sewee Creek, Meigs County, Tennessee. Snail darters were first collected in Sewee Creek in 1980 and have been observed in the creek every year since that time. The species has been found in concentrations nearly identical to snail darter concentrations once found in the Little Tennessee River. However, the creek section inhabited by the species is very small (5.7 miles) thus limiting the size of the total population.

Sewee Creek's habitat is probably one of the most secure of the six tributaries known to contain the snail darter. The watershed is small and mostly rural and forested.

Hiwassee River, Polk County, Tennessee. This population was introduced utilizing fish from the Little Tennessee River population. The introduction appears to be successful. Snail darters are reproducing and young-of-the year fish have been observed every year from 1976 through 1982.

The population is the largest known to exist, and according to the Snail Darter Recovery Team, the population likely numbers 3000 individuals.

Although the Hiwassee River population is large and appears to be doing well, it is not completely secure. The Hiwassee has had a history of train wrecks involving acid spills. However, recent railroad improvements should decrease the severity of any future spill. Heavy metal and pH problems in the Ocoee River, a tributary of the

Hiwassee, also represent a threat to the population. Wastewater cleanup and reforestation programs have been implemented in the Ocoee to correct the problem. If these Ocoee River watershed programs prove successful, the snail darter population will likely be more secure.

South Chickamauga Creek, Hamilton County, Tennessee, and Catoosa County, Georgia. Snail darters were found in this creek in 1980 and have been collected intermittently since then. This population appears to exist in a precarious situation. The South Chickamauga Creek watershed contains many potential threats to the species including both runoff from urban areas and industrial sites, the threat of accidental chemical spills, and effluent from a wastewater treatment plant. Growth projections for the watershed are significant. Unless the welfare of the species is considered, an increase in threats to the snail darter may be anticipated.

Tennessee River at Nickajack Reservoir, Hamilton County, Tennessee. Four snail darters were seen by scuba divers in Nickajack Reservoir near the mouth of South Chickamauga Creek in 1980. Whether this represents a resident population in the reservoir or part of the South Chickamauga Creek population cannot be determined based on available data.

There are two projects under consideration which could impact the snail darter in the reservoir. A commercial dredging operation is proposed for TRM 453–460 and a port facility is proposed for TRM 466–468. The snail darters were found nearby.

Sequatchie River, Marion County, Tennessee. This population was discovered in 1981 and has been sampled six times since. Although considerable effort has been aimed at assessing this population, only 13 snail darters have ever been observed in this river.

The Sequatchie Valley is a rural valley. However, it does contain coal reserves, and coal mining activities have brought siltation and pH problems to its tributaries. The Little Sequatchie River, a tributary of th e Sequatchie, has experienced fish kills which have been partially attributed to coal mining activity.

Tennessee Rive at Guntersville Reservoir, Marion County, Tennessee. Two snail darters were observed by scuba divers in Guntersville Reservoir area. It is not kenow if these fish represent a resident population of the main Tennessee River or if they are part of the Sequatchie River population. Snail darters in the reservoir could be impacted by a proposed dredging operation at TRM 390.3–423 and a proposed port facility at TRM 424.

Paint Rock River, Jackson and Madison Counties, Alabama. The snail darter population was found in this river in 1981 after extensive searches. A total of four days of sampling yielded only five individuals. Surveys in 1983, attempting to verify the continued existence of the species in the Paint Rock found one snail darter after seven days of searching in the same areas where the species had been previously found.

The Paint Rock River Valley is forested in the upper basin with row crops predominating in the lower basin. Stream siltations and enrichment problems associated with agricultural activities are evident and pesticides may be a threat. The river was channelized by the U.S. Corps of Army Engineers in 1966. Presently, there are some discussions in the valley that this procedure should be repeated.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The snail darter has received a tremendous amount of notoriety and this has made the fish vulnerable to illegal take. At present the species is protected by Federal and State laws which require permits for scientific collecting. The degree of protection will not change if the proposal to reclassify the snail darter to threatened status is finalized.

C. *Disease or predation.* There is no evidence of threats from disease or predation.

D. *The inadequacy of existing regulatory mechanisms.* The Federal Endangered Species Act protects the species and its habitat through Section 7, which requires Federal agencies to ensure taht any activity they authorize, fund, or carry out is not likely to jeopardize the continued existence of the species. Thesee provisions of the Act would continue to protect the snail darter if the species is reclassified to threatened status. The States of Alabama, Georgia and Tennessee prohibit take without a scientific collecting permit.

E. *Other natural or manmade factors affecting its continued existence.* There are no other factors, natural or manmade, known to be affecting the continued existence of the snail darter.

Critical Habitat

The Endangered Species Act in Section 4(a)(3), as amended, requires that to the maximum extent prudent and determinable the Secretary shall designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or thereatened. The Service finds the designation of critical habitat is not prudent for this species. The snail darter has received a tremendous amount of notoriety. Because of this, the Service believes that publication of critical habitat descriptions would make the species vulnerable to illegal taking and increase the law enforcement problem. It might also subject the species to deliberate vandalism. Therefore, it would not be prudent to determine critical habitat for the snail darter at this time.

The Service believes the present critical habitat in the Little Tennessee River from river mile 0.5 through river mile 17 should be remove from Endangered Species Act protection. The area has been flooded by Tellico Reservoir and no longer provides suitable habitat for the snail darter population.

Available Conservation Measures

As there are no special rules being proposed with the snail darter reclassification, the species generally would continue to receive the same Endangered Species Act protection under a threatened species category that it now receives as an endangered species although there would be a slightly broader range of permits that would be available for activities involving threatened species, 50 CFR 17.32. The protection provisions of the Act for endangered and threatened species are reviewed below.

The Act and endangered and threatened species regulations already published in the June 24, 1977, **Federal Register** (42 FR 32372), set forth a series of general prohibitions and exceptions that apply to all endangered and threatened wildlife. These prohibitions are found in §§ 17.21 and 17.31 of 50 CFR and are summarized below.

These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It 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 Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Threatened

species permits are available for scientific purposes, to enhance the propagation or survival of the species, for zoological exhibition, for educational puposes, for incidental take, or for special purposes consistent with the purposes of the Act.

Section 7(a)(2) of the Act, as amended, requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species. The snail darter is presently protected under section 7(a)(2) of the Act as an endangered species. If this proposal is made final, the species will continue to receive protection under Section 7(a)(2) as a threatened species.

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and as effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests, or any other interested part concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

1. Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the species included in this proposal;

2. The location of and the reason why any habitat of this 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 this species; and

4. Current or planned activities in the subject areas and their possible impacts on the snail darter.

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

The Endangered Species Act provides for a public hearing on this proposal if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to Warren T. Parker, Field Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 8/672-0321).

Author

The primary author of this proposed rule is Richard G. Biggins, Asheville Endangered Species Field Station, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

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 by 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).

References

Etnier, David A. 1976. *Percina tanasi*, a new percid fish from the Little Tenessee River, Tennessee. Proc. Biol. Soc. Wash. 88(44): 469-645.

U.S. Fish and Wildlife Service. 1983a. Snail Darter Recovery Plan. U.S. Fish and Wildlife Service, Atlanta, Georgia. 46 pp.

U.S. Fish and Wildlife Service. 1983b. Snail Darter Survey (July, August, and October 1983). U.S. Fish and Wildlife Service, Asheville, North Carolina, 45 pp.

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 revise 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 revise § 17.11(h) by changing the status of the snail darter under "FISHES" from endangered (E) to threatened (T) and deleting the critical habitat citation on the List of Endangered and Threatened Wildlife so that the entry for this species reads as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes:							
*	*	*	*	*	*		
Darter, snail	*Percina tanasi*	U.S.A. (AL, GA, TN)	Entire	T	12	NA	NA.
*	*	*	*	*	*		

3. It is further proposed to revise § 17.95(e) for "Fishes" by removing critical habitat for the snail darter.

Dated: February 10, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-4506 Filed 2-17-84; 8:45 am]

BILLING CODE 4310-07-M

Notices

Federal Register
Vol. 49, No. 35
Tuesday, February 21, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Price-undercutting of Domestic Swiss Cheese by Imported Swiss Cheese Produced in the Federal Republic of Germany and France

On January 16, 1984, the U.S. Department of Agriculture received a complaint alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany and France. On January 18, 1984, the U.S. Department of Agriculture received another complaint alleging price-undercutting of domestic Swiss cheese by Swiss cheese produced in the Federal Republic of Germany. Under Section 702 of the Trade Agreements Act of 1979 (Pub. L. 96–39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40–44, I have determined that the duty-paid wholesale price of Grade A imported Swiss cheese produced in the Federal Republic of Germany is $1.79 per pound and that the domestic wholesale market price for similar U.S. produced Swiss cheese is $1.78 per pound. I have also determined that the duty-paid wholesale price of grade A imported Swiss cheese produced in France is $1.80 per pound and that the domestic wholesale market price for similar U.S. produced Swiss cheese is $1.78 per pound. I, therefore, have determined that there is no price-undercutting of U.S. produced Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany or France, and I have notified the United States Trade Representative accordingly.

Done at Washington, D.C., this 15th day of February 1984.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 84–4564 Filed 2–17–84; 8:45 am]

BILLING CODE 3410–10–M

Federal Crop Insurance Corporation

Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of Extension of Sales Closing Dates.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications for grape crop insurance in certain counties in California under the provisions contained in this part, effective for the 1984 crop year only. The intended effect of this action is to provide additional time for applicants to consider crop insurance during a period when adverse selectivity is not apparent, and to comply with the provisions of the Grape Crop Insurance Regulations with respect to the authority of the Manager, FCIC, to extend closing dates.

EFFECTIVE DATE: February 21, 1984.

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

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 411, the Grape Crop Insurance Regulations, the closing date for accepting applications for crop insurance is January 31. Inasmuch as in certain counties in California, grapes of certain varieties have a longer dormant period and adverse selectivity during this period is not a problem, FCIC has determined to provide additional time for potential insureds to make application for crop insurance on their crops.

Under the authority contained in the Grape Crop Insurance Regulations (7 CFR Part 411), the closing date for filing applications may be extended by placing the extended date on file in the service office for the county and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will discontinue the acceptance of applications.

Notice

Accordingly, under the authority contained in 7 CFR 411.7(b), the Federal Crop Insurance Corporation herewith gives notice that, effective for the 1984 crop year only, the closing date for accepting applications for grape crop insurance in counties in California north of, but not including, Fresno, Madera, Monterey, and San Benito, is hereby extended through the close of business on February 15, 1984.

Done in Washington, D.C., on February 1, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: February 13, 1984.

[FR Doc. 84–4535 Filed 2–17–84; 8:45 am]

BILLING CODE 3410–08–M

Rural Electrification Administration

Intent To Conduct Public Scoping Meetings and Prepare Draft Environmental Impact Statement

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Intent to Conduct Public Scoping Meetings and Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: REA intends to conduct public scoping meetings and prepare a DEIS in connection with possible REA financing assistance to Associated Electric Cooperative, Inc. (Associated), 2814 South Golden, P.O. Box 754, Springfield, Missouri 65801. The DEIS will discuss and evaluate the feasibility of Associated developing and operating a coal-fired electric generating station and related transmission facilities. Associated is currently investigating sites in Atchison and Carroll Counties, Missouri. Depending upon the site

selected, transmission facilities may be located in the following counties: Atchison, Nodaway, Holt, Andrew, Gentry, De Kalb, Daviess, Caldwell, Livingston, Linn, Carroll, Chariton, Macon, Randolph, Ray, Lafayette, Johnson and Henry.

DATES: REA will conduct public scoping meetings as follows:

March 27, 1984—Central Missouri State University, Auditorium—Science Building, S. College Street, Warrensburg, Missouri 64093, at 7:30 p.m.

March 28, 1984—Northwest Missouri State University, Ballroom—J.W. Jones Student Union, W. 4th Street & College Avenue, Maryville, Missouri 64468, at 7:30 p.m.

March 29, 1984—Chillicothe High School Auditorium, 1535 Calhoun Street, Chillicothe, Missouri 64601, at 7:30 p.m.

ADDRESS: All interested parties are invited to submit written comments to REA prior to, at, or within 30 days after the scoping meetings, in order for the comments to be considered in the preparation of the DEIS. Comments should be sent to Mr. Alexander E. Sherman, Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, U.S. Department of Agriculture, Rural Electrification Administration, Room 0009, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Dean Graham, Associated Electric Cooperative, Inc., Springfield, Missouri, (417) 881–1204.

SUPPLEMENTARY INFORMATION: REA, in order to meet requirements of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality Regulations and the REA Environmental Policies and Procedures, intends to prepare a DEIS and conduct public scoping meetings. This notice is in connection with possible REA financing assistance to Associated for the development of a coal-fired electric generating station and related transmission facilities. Associated proposes that the project be located in either Atchison County, near Watson, or Carroll County, near Norborne, Missouri. These two sites were chosen from a total of eighteen sites originally under consideration within the State of Missouri. Depending upon the site selected, transmission facilities may be located in the following counties: Atchison, Nodaway, Holt, Andrew, Gentry, De Kalb, Daviess, Caldwell, Livingston, Linn, Carroll, Chariton, Macon, Randolph, Ray, Lafayette, Johnson and Henry.

Associated proposes to develop the chosen site to accommodate a total of 1200 MW of generated power. Initial development will be within the range of 400 to 600 MW of generated power. The Watson site would require approximately 426 km (265 mi) of 345 kV transmission line extending to Fairport, Missouri, and Associated's Thomas Hill Power Plant in Randolph County, Missouri. The Norborne site would require approximately 210 km (130 mi) of 345 kV transmission line extending to Clinton, Missouri, and the Thomas Hill Power Plant. Alternatives to be considered by REA and Associated include, among other options: (1) No project; (2) load management; (3) purchase power from other utilities; (4) alternative sites for the proposed plant; (5) alternative fuels; (6) various unit sizes and (7) alternative transmission line corridors.

The public scoping meetings, to be conducted by a representative of REA, will be held to solicit public input and comments concerning, but not limited to, the nature of the proposed project, its possible location, alternatives, and any significant issues and environmental concerns that should be addressed in the DEIS. REA previously held public scoping meetings near the prospective power plant sites in Rockport and Norborne, Missouri. The above public scoping meetings are located along the prospective transmission line corridors.

REA's financing assistance to Associated will be subject to and contingent upon reaching satisfactory conclusions with respect to the environmental effects of the project. Final action will be taken only after EIS procedures required by NEPA have been satisfied.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: February 14, 1984.

Jack Van Mark,

Acting Administrator.

[FR Doc. 84–4515 Filed 2–17–84; 8:45 am]

BILLING CODE 3410–15–M

CIVIL RIGHTS COMMISSION

Massachusetts Advisory Committee; Agenda and Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 and will end at 6:00 p.m., on March 28, 1984, at the U.S. Commission on Civil Rights, New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting is to discuss plans for a conference on affirmative action in growth industries, and distribution of a publication, "Sexual Harassment on the Job."

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, at (617) 548–5123 or the New England Regional Office at (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 14, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–4474 Filed 2–17–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of the Voting Age Population for 1983

In accordance with the requirements of the Federal Election Campaign Act Amendments of 1976, 2 U.S.C. 441a(e), I hereby give notice that the estimates of the voting age population for July 1, 1983, for each state, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands are as shown in the following table.

I have certified these estimates to the Federal Election Commission.

Malcolm Baldrige,

Secretary of Commerce.

ESTIMATES OF THE POPULATION OF VOTING AGE FOR STATES AND SELECTED OUTLYING AREAS: JULY 1, 1983

[In thousands]

Area	18 and over
United States	171,406
Alabama	2,845
Alaska	325
Arizona	2,129
Arkansas	1,677
California	18,624
Colorado	2,293
Connecticut	2,378
Delaware	451
District of Columbia	488
Florida	8,225
Georgia	4,110
Hawaii	739
Idaho	671
Illinois	8,378
Indiana	3,957
Iowa	2,118
Kansas	1,778
Kentucky	2,676
Louisiana	3,082
Maine	838

ESTIMATES OF THE POPULATION OF VOTING AGE FOR STATES AND SELECTED OUTLYING AREAS: JULY 1, 1983—Continued

[In thousands]

Area	18 and over
Maryland	3,212
Massachusetts	4,389
Michigan	6,552
Minnesota	3,016
Mississippi	1,787
Missouri	3,659
Montana	583
Nebraska	1,156
Nevada	662
New Hampshire	708
New Jersey	5,598
New Mexico	969
New York	13,246
North Carolina	4,481
North Dakota	485
Ohio	7,836
Oklahoma	2,380
Oregon	1,953
Pennsylvania	8,950
Rhode Island	728
South Carolina	2,337
South Dakota	496
Tennessee	3,437
Texas	11,083
Utah	1,010
Vermont	385
Virginia	4,126
Washington	3,154
West Virginia	1,425
Wisconsin	3,463
Wyoming	355
Outlying Areas:	
Puerto Rico	2,025
Guam	66
Virgin Islands	60

[FR Doc. 84-4505 Filed 2-17-84 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 4-84]

Proposed Foreign-Trade Zone—Jefferson County, New York; Application for Subzone at New York Air Brake Plant in Watertown

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Jefferson County, New York, requesting special-purpose subzone status for the manufacturing plant of New York Air Brake Company in Watertown, New York, adjacent to the Alexandria Bay Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 10, 1984. The applicant is authorized to make this proposal under Chapter 157, Laws of New York 1983.

Jefferson County already has an application pending with the Board for a general-purpose foreign-trade zone which was filed on January 4, 1984 (Docket No. 2–84, 49 FR 1260, 1/10/84). A public hearing was held on the proposal in Watertown on February 9. Board action is expected later this year.

New York Air Brake is a unit of General Signal Corporation, a producer of a variety of rail system and industrial machinery components with annual sales of over $1 billion. New York Air Brake produces rail car braking systems; aircraft hydraulic and engine starting systems; and mobile equipment transmissions. The plant is shared by a affiliate, the Dynapower Company, which produces some of the components. The companies' headquarters and manufacturing facilities are located in Watertown, New York.

The proposed subzone will cover 120 acres of the companies' 273-acre facility on Starbuck Avenue in Watertown. In addition to manufacturing the pneumatic and hydralic equipment described above, the plant is also used to service and repair the equipment that has been sold abroad, and to inventory spare parts. Parts purchased from foreign sources for production include iron castings, discs, brakes, and brake beams. A variety of spare parts for railroad car brakes are also purchased from abroad. The foreign components represent about 4 percent of the companies' sales. Exports, which accounted for about 17 percent of sales in 1983, are expected to approach 30 percent by 1986.

Zone procedures will exempt New York Air Brake from duty payments on the foreign parts used in its exports and on equipment returned to the plant from abroad for service and repair. On domestic sales, secondary savings would come from exemption from duties on scrap and from duty deferral. Because many of the finished products have the same duty rates as the components, benefits from inverted tariffs will be relatively small. These savings, especially on export sales, will help the company in bidding against its foreign competitors and achieving its planned growth in international sales. This will help maintain the 1,400 jobs currently at the facility and encourage the company to add up to 100 new positions.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The Committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110; and Colonel Robert R. Hardiman, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before March 20, 1984.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Wellesley Island, Alexandria Bay, NY 13604.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: February 14, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-4502 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Children's Hospital of Los Angeles; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 82–00147R. Applicant: Children's Hospital of Los Angeles, Los Angeles, CA 90007. Instrument: 6 MeV Linear Accelerator, G280F and Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of May 14, 1982.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides dose variations of less than 20% over distances of 0.3 cm when small portals (2 cm x 2cm) are used. The National Institutes of Health advises in its memorandum dated February 3, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific

value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials).

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-4561 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Wisconsin Madison; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-133R. Applicant: University of Wisconsin, Madison, Madison, WI 53706. Instrument: Gas Chromatograph Mass Spectrometer System, MS-80 and Accessories. Original notice of this resubmitted application was published in the **Federal Register** of March 7, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (November 30, 1982).

Reasons: This application is a resubmission of Docket Number 83-133 which was denied without prejudice to resubmission for clarification of intended use. The foreign instrument provides a heated probe and a Fast Atom Bombardment (FAB) source. The National Bureau of Standards advises in its memorandum dated October 17, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-4560 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-401]

Certain Valves, Couplings, Nozzles and Connections, of Brass Suitable for Use in Interior Fire Protection Systems From Italy; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Import 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 valves, couplings, nozzles and connections or brass, suitable for use in interior fire protection systems from Italy 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 determinations on or before March 8, 1984, and we will make our own on or before July 2, 1984.

EFFECTIVE DATE: February 21, 1984.

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

SUPPLEMENTARY INFORMATION: On January 23, 1984, we received a petition in proper form from counsel for Badger-Powhatan, a division of Figgie International Inc.

In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merhandise from Italy 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 Italy are supported by comparisons of U.S. price to home market and third country prices developed by an independent market research study performed in Italy and commissioned by the petitioner.

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 petitioner supporting the allegations. We have examined the petition filed by counsel for Badger-Powhatan, 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 valves, couplings, nozzles and connections, of brass, suitable for use in interior fire protection systems, from Italy are being, or are likely to be, sold at less than fair value in the United States. If our investigations proceed normally, we will make our preliminary determinations by July 1, 1984.

Scope of Investigations

The merchandise covered by these investigations consist of: 1½ inch and 2½ inch brass angle hose valves and 2½ inch brass wedge disc hose gate valves as currently provided for in item 680.1430 of the *Tariff Schedules of the United States, Annotated* (TSUSA); pressure restricting and pressure regulating valves, of brass, currenatly provided for in TSUSA item number 680.2720; brass single clapper and double clapper siamese fire department connections (2½ inch inlet, 4 inch outlet), currently provided for in TSUSA item number 680.1420; 1½ inch and 2½ inch brass fog/straight stream hose nozzles, currently provided for in TSUSA item number 680.1480; and 1½ inch and 2½ inch brass fire hose coupling, currently provided for in TSUSA item number 657.3540.

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 these determinations. 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 administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by the 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 valves, couplings, nozzles and connections, of brass, suitable for use in interior fire protection systems, from Italy are materially injuring, or are likely to materially injure, a United States industry. If its determinations are negative, these investigations will terminate; otherwise they will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

February 13, 1984.

[FR Doc. 84-4497 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-061]

Ferroalloys From Spain; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On December 22, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on ferroalloys from Spain. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. After a review of all comments received, the final assessment rate is the same as that presented in the preliminary results.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Alan Long or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 56621) the preliminary results of its administrative review of the countervailing duty order on ferroalloys from Spain (45 FR 25, January 2, 1980). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Spanish ferroalloys. Such merchandise is currently classifiable under the following items of the Tariff Schedule of the United States Annotated: ferrochrome (over 3 percent carbon), 606.2400; ferromanganese (1–4 percent carbon), 606.2800; ferromanganese (over 4 percent carbon), 606.3000; ferrosilicon manganese, 606.4400; and ferrosilicon (60–80% silicon), 606.3600 and 606.3700.

The review covers the period January 1, 1982 through December 31, 1982, and two programs that we previously found countervailable: (1) A rebate of indirect taxes upon exportation, under the Desgravacion Fiscal a la Exportacion ("the DFE"), (2) an operating capital loans program. The review also covers two other programs.

Analysis of Comments Received

We gave interested parties an opportunity to comment on our preliminary results. The exporters incorporated by reference their comments made during the previous administrative review. We addressed those comments in our notice of final results in our last administrative review (48 FR 34493, July 29, 1983). The exporters also submitted a comment concerning this specific review period.

Comment 1: The exporters maintain that the duty deposit rate should be updated to reflect the current status of Spain's phase-out of the operating capital loans program, citing a 1982 regulation reducing maximum eligibility to 9 percent effective January 1, 1984.

Department's Position: As we stated in our last final results of administrative review for ferroalloys from Spain and for unwrought zinc from Spain (48 FR 35689, August 15, 1983), it is our policy in setting the duty deposit rate to include timely corroborated reports of government actions, subsequent to the review period and already in effect, that affect the size of the benefits on future entries. Therefore, we have incorporated the January 1, 1984 eligibility change in setting our deposit rate.

Final Results of Review

After review of the comments received the final assessment rate is the same as that presented in the preliminary results. We determine the net subsidy to be 2.15 percent *ad valorem* for the period January 1, 1982 through December 31, 1982.

The Department will instruct the Customs Service to assess countervailing duties of 2.15 percent of the f.o.b. invoice price on any shipments exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before April 22, 1982.

On April 23, 1982, the International Trade Commission ("the ITC") notified the Department that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties, in the amount of the estimated duties required to be deposited, on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 23, 1982 and through the date of the ITC's notification to the Department of its determination.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 0.84 percent of the entered value, as provided for by section 751(a)(1) of the Tariff Act, on any shipment of Spanish ferroalloys entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the nest administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: February 13, 1984.

Alan F. Holmer,

Deputy Assistant Secretary Import Administration.

[FR Doc. 84-4495 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-357-002]

Wool From Argentina; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on wool from Argentina. The review covers the period January 1, 1983 through June 30, 1983.

As a result of the review, the Department has preliminarily determined the total bounty or grant for the period to be 7.15 percent *ad valorem*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Peggy Clarke or Lorenza Olivas, Office of Compliance, Room B-099, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 14423) the countervailing duty order on wool from Argentina and announced its intent to conduct an administrative review. As required by section 751 of the Tariff act of 1930 ("the Tariff Act"), the Department has now conducted that review.

Scope of the Review

Imports covered by the review are shipments of Argentine wool. Such merchandise is currently classifiable under items 306.3152, 306.3172, 306.3252, 306.3273, 306.3354, and 306.3374 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1983 through June 30, 1983 and six programs: (1) Incentives for exports from southern ports; (2) the reembolso, a cash rebate of taxes; (3) preferential pre-export financing; (4) multiple exchange rates; (5) government assistance to wool growers in Patagonia; and (6) financial reorganization aids.

Analysis of Programs

The Government of Argentina provided an incomplete response to our questionnaire of July 5, 1983, and our follow-up request for information was not adequately answered. Therefore, we are using the information provided in the response, where adequate, and information from the initial investigation, as the best evidence available.

(1) Incentives for Exports from Southern Ports

This program provides a payment for goods shipped from the southern ports of Argentina. This payment is not a rebate of taxes but rather an incentive to promote economic development in the regions south of the Rio Colorado and to develop the southern ports as the primary means of transportation from the southern regions of the country.

Under resolution 287, effective from December 1, 1982 through January 27, 1983, the payment ranged from 5 percent to 9 percent of the f.o.b. price depending on the port used. Resolution 88, effective January 28, 1983 changed the rates to between 8 percent and 11 percent depending on the port used.

In the original investigation, we found that 93 percent of all wool shipped from Argentina went through the port of Madryn. The original investigation also found that virtually all the remaining wool was shipped from Buenos Aires, a port not covered by this program. Based on this information we calculated the total bounty or grant provided by this program during the review period to be 7.15 percent *ad valorem*.

(2) Reembolso, a Cash Rebate of Taxes

On May 5, 1982, Resolution 437 abolished the 5 percent reembolso for washed wool. There is no reembolso for wool in the grease, the only other merchandise included in the order. Therefore, we determine the total benefit to be zero.

(3) Preferential Pre-export Financing

Exports of wool are ineligible for this program. Therefore, no benefit was received.

(4) Other Programs

In the original investigation, the following programs were found to be terminated or suspended. They have not been reinstated during the period of this review.

A. Multiple Exchange Rates;

B. Government Assistance to Wool Growers in Patagonia; and

C. Financial Reorganization Aids.

Preliminary Results of the Review

As a result of our review, we preliminarily determine the total bounty or grant conferred to be 7.15 percent *ad valorem* for the period of review. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 7.15 percent of the f.o.b. invoice price on any shipments entered, or withdrawn from warehouse, for consumption on or after January 14, 1983, the date of suspension of liquidation, and exported on or before June 30, 1983.

As provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties of 7.15 percent of the entered value on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.4).

Dated: February 13, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-4496 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit; Walt Disney Productions

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 Walt Disney Productions (P27B).

b. Address P.O. Box 40, Lake Buena Vista, Florida 32830.

2. Type of Permit Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphin (Tursiops truncatus)—8.

4. Type of Take: Capture/maintain.

5. Location of Activity: Florida, West coast.

6. Period of Activity: 2 yrs.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

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.;

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

Dated: February 13, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-4527 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit; Center for Marine Studies

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), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Center for Marine Studies (P79C).

b. Address: Applied Sciences #273, University of California at Santa Cruz, Santa Cruz, California 95064.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Gray Whale (*Eschrichtius robustus*) 20/yr/5yrs.

4. Type of Take: Unspecified number taken by potential harassment during photographic studies and 100 whales taken by intentional harassment during biopsy studies over 5 years.

5. Location of Activity: Off Monterey Bay, California.

6. Period of Activity: 5 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

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 13, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-4528 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a New Official of the Government of the Socialist Republic of Romania Authorized To Issue Export Visas

February 16, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, is announcing a change in officials of the Government of the Socialist Republic of Romania who are authorized to issue export visas, effective on February 24, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377–4212.

Background

The Government of the Socialist Republic of Romania has notified the United States Government that Oncescu Florin, Sirbu Remus Alexandru and Horjan Dan are authorized to issue export visas under the terms of the Bilateral Cotton Textile Agreement of January 28 and March 31, 1983, and the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, replacing Ciobanescu Stefan, Sadeanu Neli and Romanescu Mircea, who will no longer issue those documents. A complete list of currently authorized officials follows this notice.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Officials authorized by the Government of the Socialist Republic of Romania to issue visas for textile and apparel products exported to the United States:

(1) Sirbu Remus Alexandru
(2) Atanasiu Bogdan
(3) Horjan Dan
(4) Oncescu Florin
(5) Lungu Gheorghe
(6) Mateescu Jeni
(7) Linc Mircea

(8) Tomulescu Petre

[FR Doc. 84-4606 Filed 2-17-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1984 Additions

Correction

In FR Doc. 84-3729, appearing on page 5164 of the issue of Friday, February 10, 1984, make the following correction. In the third column, under **Class 7520**, the number in the second line reading "7520-00-139-3734" should read "7520-00-139-3743".

BILLNG CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Procurement Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Information Collections.

SUMMARY: Under ther provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commodity Futures Trading Commission plans to request the Office of Management and Budget to review and approve an existing information collection in use without an OMB control number.

DATE: Comments on this information collection must be submitted on or before March 10, 1984.

ADDRESS: Send comments to Katy Lewin, OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, and to Joseph G. Salazar, CFTC. Clearance Officer, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Joseph G. Salazar, CFTC Clearance Officer, telephone (202) 254-9735.

SUPPLEMENTARY INFORMATION: The purpose of this information collection is to identify the forms used by the Commission and the type of questions posed to vendors engaged in procurement contracts. The estimated annual reporting burden is: respondents 36, responses 36, hours 5. A copy of this proposal may be obtained from the CFTC clearance officer, Commodity Futures Trading Commission, Room 205, 2033 K Street, NW., Washington, D.C. 20581.

Issued in Washington, D.C. on February 14, 1984.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-4526 Filed 2-17-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; 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 Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for supply of the following material:

Contract Number WC-SW-8, to Studsvik Energiteknik Artiebolag, Studsvik, Sweden, irradiated fuel assemblies containing 6.5 kilograms of uranium, enriched to 2.6 percent in U-235, for post-irradiation examination and ultimate disposal, in support of a Department of Energy fuel performance improvement program.

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 14, 1984.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-4531 Filed 2-17-84; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Costs and Economic 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 it seventeenth meeting on Wednesday, February 29, 1984, starting at 9:00 a.m., in Room 1603, Mobil Exploration and Producing Services Inc., 7200 North Stemmons Freeway, Dallas, 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 Ecomomics 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 February 10, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-4517 Filed 2-17-84; 8:45 am]

BILLING CODE 6450-01-M

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

Notice is hereby given that the Chemical 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 Chemical Task Group meeting follows:

The Chemical Task Group will hold its nineteenth meeting on Monday and Tuesday, February 27 and 28, 1984, starting at 8:30 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical 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 Chemical 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 Chemical 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 February 10, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-4518 Filed 2-17-84; 8:45 am]

BILLING CODE 6450-01-M

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 March 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 holds its seventeenth meeting on Thursday, March 1, 1984, starting at 9:30 a.m., in the Lalique Room of the Loews Anatole Hotel, 2201 Stemmons Freeway, Dallas, 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, 301/353-3032, prior to the meeting and reasonable provisions 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 February 10, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-4519 Filed 2-17-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER84-264-000]

Connecticut Light and Power Co.; Filing

February 15, 1984.

The filing Company submits the following:

Take notice that on February 7, 1984, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) and Bangor Hydro-Electric Company (Bangor). The Agreement, dated as of December 2, 1983, provides for the NU Companies to sell to Bangor power from the systems of the Northeast Utilities Companies (system power) that may be available on a daily or weekly basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell such system power to Bangor only when it was economic to do so. Bangor would only accept such offer if it was economical to do so.

CL&P states that Bangor will pay a capacity charge to the NU Companies for each transaction in an amount equal to the megawatts of system capacity reserved for Bangor by the NU Companies during each hour of a transaction multiplied by the capacity charge rate which is negotiated prior to each transaction. Bangor will pay an energy charge to the NU Companies for each transaction in an amount equal to the megawatthours delivered by the NU Companies during such transaction multiplied by the energy charge rate. The energy charge rate is based on the heat rate and replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide energy at the time of a transaction.

CL&P requests an effective date of December 2, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4448 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-255-000]

Consolidated Edison Co. of New York, Inc., Filing

February 15, 1984

The filing Company submits the following:

Take notice that on February 6, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing an amendment (the "Amendment") to its Rate Schedule FERC No. 57, an agreement to provide transmission service to the companies of the Northeast Utilities system (the "NU Companies"). The Amendment increases the transmission charge from 2.3 mills to 2.6 mills per kilowatthour for interruptible transmission of power and energy purchased by the NU Companies from Central Hudson Gas & Electric Corporation.

Con Edison requests an effective date of February 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that a copy of this filing has been served by mail upon the NU Companies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4449 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-249-000]

Empire District Electric Co.; Filing

February 15, 1984.

The filing Company submits the following:

Take notice that on February 6, 1984, Empire District Company (Empire) tendered for filing a proposed Peaking Power Purchase Contract between Empire and the Board of Public Utilities, Kansas City, Kansas (BPU).

Empire states that the proposed contract provides for the sale of 46.8 Mw of peaking capacity and related energy from BPU to Empire for the period beginning January 1, 1984.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Kansas Corporation Commission, the Missouri Public Service Commission and BPU.

Any person desiring to be heard or to protest said filing shuld file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions on protests should be filed on or before February 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4450 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-252-000]

Empire District Electric Co.;

February 15, 1984

The filing Company submits the following:

Take notice that on February 6, 1984, Empire District Electric Company (Empire) tendered for filing a proposed Peaking Power Purchase Contract between Empire and the City of Coffeyville, Kansas (Coffeyville).

Empire states that the proposed contract provides for the sale of 3 Mw of peaking capacity and related energy from Coffeyville to Empire for the period beginning January 1, 1984.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Kansas Corporation Commission, the Missouri Public Service Commission and Coffeyville.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4452 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-251-000]

Empire District Electric Co.; Filing

February 15, 1984

The filing Company submits the following:

Take notice that on February 6, 1984, Empire District Electric Company (Empire) tendered for filing a proposed Service Schedule J, Peaking Power Service, as a supplement to an Electric Interchange Agreement between Empire and Kansas City Power and Light Company (KCPL).

Empire states that the proposed Service Schedule J provides for the sale of 3 Mw of peaking capacity and related

energy from Empire to KCPL for the period beginning January 1, 1984. The capacity charge is cost plus $0.46 per Kw per month. Related energy will be furnished at cost plus 10% with an allowance for incurred losses. The schedule further provides that KCPL will purchase no more than 3,600 Mwh during any contract year, 1,800 Mwh during any four consecutive months, 600 Kwh in any one month. No less than 180 Mwh may be purchased in any one month. This filing should clarify terms of the original schedule.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Missouri Public Service Commission, the Kansas Corporation Commission, and the Kansas City Power and Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4451 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-253-000]

Empire District Electric Co.; Filing

February 15, 1984

Take notice that on February 6, 1984, Empire District Electric Company (Empire) tendered for filing a proposed Peaking Power Purchase Contract between Empire and the City of Higginsville, Missouri (Higginsville).

Empire states that the proposed contract provides for the sale of 3 Mw of peaking capacity and related energy from Higginsville to Empire for the period beginning January 1, 1984.

Empire states that this contract replaces a contract dated May 7, 1981 and all amendments thereto, and is being made to clarify the terms of the original contract.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Kansas Corporation Commission, the Missouri Public Service Commission and Higginsville.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4453 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-254-000]

Empire District Electric Co.; Filing

February 15, 1984

Take notice that on February 6, 1984, Empire District Electric Company (Empire) tendered for filing a proposed Peaking Power Purchase Contract between Empire and the Kaw Valley Electric Cooperative Company, Inc. Topeka, Kansas (Kaw Valley).

Empire states that the proposed contract provides for the sale of the 1 Mw of peaking capacity and related energy from Kaw Valley to Empire for the period beginning January 1, 1984.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Kansas Corporation Commission, the Missouri Public Service Commission and Kaw Valley.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4454 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-256-000]

Empire District Electric Co.; Filing

February 15, 1984

The filing Company submits the following:

Take notice that the Empire District Electric Company (Empire), on February 6, 1984, tendered for filing a proposed Service Schedule I, Peaking Power Service, as a supplement to an Electric Interchange Agreement between Empire and Kansas City Power and Light Company (KCPL).

Empire states that the proposed Service Schedule I provides for the sale of 3 Mw of peaking capacity and related energy from Empire to KCPL for the period beginning January 1, 1984. This filing is to clarify certain terms of the original schedule and is not a tariff change.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Missouri Public Service Commission, the Kansas Corporation Commission, and the Kansas City Power and Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4455 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-257-000]

Empire District Electric Co., Filing

February 15, 1984

The filing Company submits the following:

Take notice that The Empire District Electric Company (Empire), on February 6, 1984, tendered for filing a proposed Service Schedule N, Peaking Power Service, as a supplement to an Electric Interchange Agreement between Empire and Kansas Gas and Electric Company (KGE).

Empire states that the proposed Service Schedule N provides for the sale of 14 Mw of peaking capacity and related energy from Empire to KGE for the period beginning January 1, 1984. The capacity charge is cost plus $0.46 per Kw per month. Related energy will be furnished at cost plus 10% with an allowance for incurred losses. The schedule further provides that KGE will purchase no more than 16,800 Mwh during any contract year, 8,400 Mwh during any four consecutive months, 2,800 Mwh in any one month. No less than 840 Mwh may be purchased in any one month.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Missouri Public Service Commission, the Kansas Corporation Commission, and the Kansas Gas and Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 211, 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4456 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-258-000]

Empire District Electric Co.; Filing

February 15, 1984.

The filing company submits the following:

Take notice that The Empire District Electric Company (Empire), on February 6, 1984, tendered for filing a proposed Service Schedule K, Peaking Power Service, as a supplement to an Electric Interchange Agreement between Empire and Kansas City Power and Light Company (KCPL).

Empire states that the proposed Service Schedule K provides for the sale of 1 Mw of peaking capacity and related energy from Empire to KCPL for the period beginning January 1, 1984. The capacity charge is cost plus $0.46 Kw per month. Related energy will be furnished at cost plus 10% with a allowance for incurred losses. The schedule further provides that KCPL will purchase no more than 1,200 Mwh during any contract year, 600 Mwh during any four consecutive months, 200 Kwh in any one month. No less than 60 Mwh may be purchased in any one month.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Missouri Public Service Commission, the Kansas Corporation Commission, and the Kansas City Power and Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4457 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-259-000]

Empire District Electric Co.; Filing

February 15, 1984

The filing Company submits the following:

Take notice that The Empire District Electric Company (Empire), on February 6, 1984, tendered for filing a proposed Peaking Power Purchase Contract between Empire and the Kansas Municipal Energy Agency (KMEA).

Empire states that the proposed contract provides for the sale of 17 Mw of peaking capacity and related energy from KMEA to Empire for the period beginning January 1, 1984.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Kansas Corporation Commission, and the Missouri Public Service Commission and KMEA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4458 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-260-000]

Empire District Electric Co.; Filing

February 15, 1984.

The filing Company submits the following:

Take notice that on February 6, 1984, Empire District Electric Company (Empire) tendered for filing a proposed

Peaking Power Purchase Contract between Empire and the Kansas Electric Power Cooperative, Inc. (KEPCO).

Empire states that the proposed contract provides for the sale of 90 Mw of peaking capacity and related energy from KEPCO to Empire beginning when power is available from the Southwestern Power Administration but not later than July 1, 1984.

Empire requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Kansas Corporation Commission, the Missouri Public Service Commission and KEPCO.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4459 Filed 2-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-259-004]

Kansas Gas and Electric Co.; Compliance Filing

February 15, 1984.

Take notice that on February 11, 1984, Kansas Gas and Electric Company (KG&E) submitted for filing its Compliance Report pursuant to paragraph (C) of Opinion No. 188 issued October 4, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 9, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4460 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC84-12-000]

Northern States Power Co.; Filing

February 15, 1984.

Take notice that on February 6, 1984, Northern States Power Company (NSP) tendered for filing an Application for Sale, Lease or Other Disposition, Merger or Consolidation of facilities, or for Purchase or Acquisition of Securities of a Public Utility. The Application provides for the exchange of certain utility facilities between NSP and Cooperative Power Association including the Panther substation and various utility property at the West St. Cloud, Spring Creek, and Prairie Island substations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considred by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4461 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-263-000]

Oklahoma Gas and Electric Co.; Filing

February 15, 1984.

The filing company submits the following:

Take notice that on February 7, 1984, Oklahoma Gas and Electric Company (OG&E) tendered for filing an Amendatory Agreement and Service Schedule for Replacement Energy to Rate Schedule FPC No. 71, between OG&E and Western Farmers Electric Cooperative. The Service Schedule is identical to schedules OG&E has with other companies.

OG&E requests an effective date of September 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4462 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-262-000]

Pacific Power & Light Co.; Filing

February 15, 1984.

The filing Company submits the following:

Take notice that on February 6, 1984, Pacific Power & Light Company (PP&L) tendered for filing, Exhibit A, Load and Resource Forecast No. 8 to Service Agreement No. 3 under PP&L's FERC Electric Tariff, Original Volume No. 4 (Tariff). Service Agreement No. 3 of the Tariff provides for the sale of wholesale power and energy to the Town of Torrington (Torrington) by PP&L.

PP&L states that each year a Revised Exhibit A is submitted by Torrington to PP&L in accordance with Article 2(d) of the Contract.

Copies of the filing were supplied to the Town of Torrington and the Public Service Commission of the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4463 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-261-000]

Pacific Power & Light Co.; Filing

February 15, 1984.

The filing Company submits the following:

Take notice that on February 6, 1984, Pacific Power & Light Company (PP&L) tendered for filing, Revision No. 7, dated November 17, 1983, to Exhibit A to PP&L's Rate Schedule FERC No. 123. Rate Schedule FERC No. 123 provides for Transmission Service to Tri-State Generation and Transmission Association, Inc. (Tri-State).

PP&L states that Exhibit A is revised annually by Tri-State and approved by PP&L, specifying commitments for service for a four-year rolling period.

Copies of the filing were supplied to Tri-State and the Public Service Commission of the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure [18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4464 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-241-000]

Southern California Edison Co.; Filing

February 15, 1984

Take notice that on January 30, 1984, Southern California Edison Company (Edison) filed a petition requesting the Commission to waive any regulation, including the regulation pertaining to fuel adjustment clauses, that would permit Edison to treat October 9, 1983 as the effective in-service date for wholesale ratemaking treatment of San Onofre Nuclear Generating Station, Unit No. 2 ("SONGS 2").

According to Edison, SONGS 2 was released to Edison's system dispatcher on August 8, 1983. Edison states that if October 9, 1983 is used as the in-service date for SONGS 2, then energy produced from this unit from August 8, 1983 to October 9, 1983 (the "Interim Period") would be treated as test energy. Edison also states that acceptance of the October 9, 1983 in-service date would result in an adjustment to rate base for ratemaking in the future to reflect the pricing of test energy during the Interim Period and the incurrence during that period of other costs, including an amount equivalent to the appropriate Allowance for Funds Used During Construction incurred at SONGS 2. If the Commission determines that hearings on its petition are necessary, Edison also requests that the Commission consolidate this docket with Docket Nos. ER82-427-000, *et al.*, which involve Edison's proposal for pricing test energy.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 29, 1984. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4465 Filed 2-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM81-19; Docket No. ST84-165, et al.]

Transcontinental Gas Pipe Line Corp.; Self-Implementing Transactions

February 15, 1984

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf an another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.[1] and Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (c/MMBtu)
ST84-165 Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of New York	12-01-83	B		
ST84-166 National Fuel Gas Supply Corp	Arcata Graphics	12-01-83	F(157)		
ST84-167 National Fuel Gas Supply Corp	The Stackpole Corp	12-01-83	F(157)		
ST84-168 National Fuel Gas Supply Corp	Edison International, Inc	12-02-83	F(157)		
ST84-169 National Fuel Gas Supply Corp	Bethlehem Steel Corp	12-02-83	F(157)		
ST84-170 National Fuel Gas Supply Corp	Witco Chemical Corp	12-02-83	F(157)		
ST84-171 National Fuel Gas Supply Corp	Kaufman's Bakery, Inc	12-02-83	F(157)		
ST84-172 National Fuel Gas Supply Corp	TAM Ceramics, Inc	12-02-83	F(157)		
ST84-173 National Fuel Gas Supply Corp	Roblin Industries, Inc	12-02-83	F(157)		
ST84-174 National Fuel Gas Supply Corp	FERRO Corp	12-02-83	F(157)		
ST84-175 National Fuel Gas Supply Corp	Airco Carbon, Inc	12-02-83	F(157)		
ST84-176 National Fuel Gas Supply Corp	Al Tech Specialty Steel	12-02-83	F(157)		
ST84-177 National Fuel Gas Supply Corp	Great Lakes Carbon Corp	12-02-83	F(157)		
ST84-178 National Fuel Gas Supply Corp	Union Carbide Corp	12-02-83	F(157)		
ST84-179 National Fuel Gas Supply Corp	Morgan Services, Inc	12-02-83	F(157)		
ST84-180 Texas Gas Transmission Corp	Transcontinental Gas Pipe Line Corp	12-02-83	G		
ST84-181 Texas Gas Transmission Corp	LGS Intrastate, Inc	12-02-83	B		
ST84-182 Michigan Wisconsin Pipe Line Co	Florida Gas Transmission Co	12-02-83	G		
ST84-183 Michigan Wisconsin Pipe Line Co	ENTEX, Inc	12-02-83	B		
ST84-184 Michigan Wisconsin Pipe Line Co	Beatrice Cheese Co	12-02-83	F(157)		
ST84-185 Michigan Wisconsin Pipe Line Co	Sugar Bowl Gas Corp	12-02-83	B		
ST84-186 Tennessee Gas Pipeline Co	United States Steel Corp	12-02-83	F(157)		
ST84-187 Northern Natural Gas Co	Endevco Pipeline Co	12-02-83	B		
ST84-188 Natural Gas Pipeline Co. of America	United States Steel Corp	12-02-83	F(157)		
ST84-189 Midwestern Gas Transmission Co	Michigan Wisconsin Pipe Line Co	12-05-83	G		
ST84-190 Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	12-05-83	B		
ST84-191 Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	12-05-83	B		
ST84-192 Tennessee Gas Pipeline Co	Bay State Gas Co	12-05-83	B		
ST84-193 Columbia Gulf Transmission Co	Texas Gas Transmission Corp	12-02-83	G		
ST84-194 Northern Natural Gas Co	Cone Mills Corp. et al	12-05-83	F(157)		
ST84-195 Colorado Interstate Gas Co	Gates Rubber Co	12-05-83	F(157)		
ST84-196 Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of New York	12-05-83	B		
ST84-197 Transcontinental Gas Pipe Line Corp	Gas Transportation Corp	12-05-83	B		
ST84-198 Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co	12-05-83	B		
ST84-199 Transcontinental Gas Pipe Line Corp	Public Service Co. of N. Carolina	12-05-83	B		
ST84-200 Transcontinental Gas Pipe Line Corp	Eastern Shore Natural Gas Co	12-05-83	G		
ST84-201 Texas Gas Transmission Corp	Bridgeline Gas Distribution Co	12-05-83	B		
ST84-202 Western Slope Gas Co	Northwest Natural Gas Co	09-30-83	D		
ST84-203 Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	12-06-83	B		
ST84-204 Tennessee Gas Pipeline Co	Texas Eastern Transmission Corp	12-08-83	G		
ST84-205 Panhandle Eastern Pipe Line Co	Western Slope Gas Co	12-08-83	B		
ST84-206 Tennessee Gas Pipeline Co	Laurel Fuel Co	12-07-83	B		
ST84-207 Oklahoma Natural Gas Co	Panhandle Eastern Pipeline Co	12-12-83	C	05-10-84	10.00
ST84-208 United Gas Pipe Line Co	City of Denham Springs, LA	12-09-83	B		
ST84-209 Transcontinental Gas Pipe Line Corp	Valero Transmission Co	12-12-83	B		
ST84-210 Northern Natural Gas Co	Natural Gas Pipeline Co. of America	12-12-83	G		
ST84-211 Mid Louisiana Gas Co	City of Denham Springs, LA	12-12-83	B		
ST84-212 Consumers Power Co	Michigan Gas Storage Co	12-12-83	C	05-07-84	65.71
ST84-213 Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	12-13-83	B		
ST84-214 Sea Robin Gas Pipeline Co	Natural Gas Pipeline Co. of America	12-12-83	G		
ST84-215 Panhandle Eastern Pipe Line Co	Transcontinental Gas Pipe Line Corp	12-12-83	G		
ST84-216 Transcontinental Gas Pipe Line Co	Carolina Pipeline Co	12-13-83	B		
ST84-217 Transcontinental Gas Pipe Line Co	Lynchburg Gas Co	12-13-83	B		
ST84-218 Producer's Gas Co	Mississippi River Transmission Corp	12-13-83	D		
ST84-219 Producer's Gas Co	ENTEX, Inc	12-13-83	D		
ST84-220 Texas Eastern Transmission Corp	New Jersey Natural Gas Co	12-14-83	B		
ST84-221 Natural Gas Pipeline Co. of America	Northern Natural Gas Co	12-14-83	G		
ST84-222 Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	12-14-83	C		
ST84-223 The Nueces Co	Mountain Fuel Supply Co	12-14-83	C		
ST84-224 National Fuel Gas Supply Corp	Jackson China, Inc	12-15-83	F(157)		
4ST8-225 Natural Gas Pipeline Co. of America	Michigan Wisconsin Pipe Line Co	12-12-83	G		
ST84-226 Mid Louisiana Gas Co	Tennessee Gas Pipeline Co	12-13-83	G		
ST84-227 Northern Natural Gas Co	Northern Gas Products Co	12-16-83	F(157)		
ST84-228 Columbia Gulf Transmission Co	Northern Natural Gas Co	12-16-83	G		
ST84-229 Columbia Gas Transmission Corp	Anchor Glass Container Corp	12-16-83	F(157)		
ST84-230 Columbia Gas Transmission Corp	Anheuser Busch, Inc	12-16-83	F(157)		
ST84-231 Columbia Gas Transmission Corp	Calgon Carbon Corp	12-16-83	F(157)		
ST84-232 Columbia Gas Transmission Corp	CertainTeed Corp	12-16-83	F(157)		
ST84-233 Columbia Gas Transmission Corp	CertainTeed Corp	12-16-83	F(157)		
ST84-234 Columbia Gas Transmission Corp	Corning Glass Works	12-16-83	F(157)		
ST84-235 Columbia Gas Transmission Corp	The Faultless Rubber Co	12-16-83	F(157)		
ST84-236 Columbia Gas Transmission Corp	General Electric Co	12-16-83	F(157)		
ST84-237 Columbia Gas Transmission Corp	General Tire and Rubber Co	12-16-83	F(157)		
ST84-238 Columbia Gas Transmission Corp	General Tire and Rubber Co	12-16-83	F(157)		
ST84-239 Columbia Gas Transmission Corp	Gold Bond Building Products	12-16-83	F(157)		
ST84-240 Columbia Gas Transmission Corp	The Goodyear Tire and Rubber Co	12-16-83	F(157)		
ST84-241 Columbia Gas Transmission Corp	Maryland Cup Corp	12-16-83	F(157)		
ST84-242 Columbia Gas Transmission Corp	Nevamar Corp	12-16-83	F(157)		
ST84-243 Columbia Gas Transmission Corp	North Metal and Chemical Co	12-16-83	F(157)		
ST84-244 Columbia Gas Transmission Corp	PPG Industries, Inc	12-16-83	F(157)		
ST84-245 Columbia Gas Transmission Corp	Procter and Gamble Co	12-16-83	F(157)		
ST84-246 Columbia Gas Transmission Corp	Stolle Corp	12-16-83	F(157)		
ST84-247 Columbia Gas Transmission Corp	Trumbull Asphalt	12-16-83	F(157)		
ST84-248 Columbia Gas Transmission Corp	Hayes-Albion Corp	12-16-83	F(157)		
ST84-249 Columbia Gas Transmission Corp	Anchor Glass Container Corp	12-16-83	F		
ST84-250 Columbia Gas Transmission Corp	Anheuser Busch, Inc	12-16-83	F		
ST84-251 Columbia Gas Transmission Corp	Calgon Carbon Corp	12-16-83	F		
ST84-252 Columbia Gas Transmission Corp	CertainTeed Corp	12-16-83	F		
ST84-253 Columbia Gas Transmission Corp	CertainTeed Corp	12-16-83	F		
ST84-254 Columbia Gas Transmission Corp	Corning Glass Works	12-16-83	F		
ST84-255 Columbia Gas Transmission Corp	The Faultless Rubber Co	12-16-83	F		
ST84-256 Columbia Gas Transmission Corp	General Tire and Rubber Co	12-16-83	F		

Docket No.[1] and Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (c/MMBtu)
ST84-257 Columbia Gas Transmission Corp	General Tire and Rubber Co	12-16-83	F		
ST84-258 Columbia Gas Transmission Corp	The Goodyear Tire and Rubber Co	12-16-83	F		
ST84-259 Columbia Gas Transmission Corp	Maryland Cup Corp	12-16-83	F		
ST84-260 Columbia Gas Transmission Corp	Nevamar Corp	12-16-83	F		
ST84-261 Columbia Gas Transmission Corp	PPG Industries, Inc	12-16-83	F		
ST84-262 Columbia Gas Transmission Corp	Proctor and Gamble Co	12-16-83	F		
ST84-263 Columbia Gas Transmission Corp	Stolle Corp	12-16-83	F		
ST84-264 Columbia Gas Transmission Corp	Trumbull Asphalt	12-16-83	F		
ST84-265 Northern Natural Gas Co	Perry Pipeline Co., Inc	12-19-83	B		
ST84-266 Texas Eastern Transmission Corp	Consolidated Edison Co. of New York	12-15-83	B		
ST84-267 Texas Eastern Transmission Corp	Consolidated Edison Co. of New York	12-15-83	B		
ST84-268 United Gas Pipe Line Co	Mississippi Gulf South Transmission Co	12-19-83	B		
ST84-269 Transcontinental Gas Pipe Line Corp	Bridgeline Gas Distribution Co	12-19-83	B		
ST84-270 Transcontinental Gas Pipe Line Corp	IMC Pipeline Co	12-19-83	B		
ST84-271 Columbia Gas Transmission Corp	Allied Corp	12-20-83	F(157)		
ST84-272 Columbia Gas Transmission Corp	GTE Products Corp	12-20-83	F(157)		
ST84-273 Columbia Gas Transmission Corp	Maryland Cup Corp	12-20-83	F(157)		
ST84-274 Texas Gas Transmission Corp	IMC Pipeline Co., Inc	12-20-83	B		
ST84-275 Columbia Gulf Transmission Co	Monterey Pipeline Co	12-21-83	B		
ST84-276 Columbia Gas Transmission Corp	SCM Corp	12-21-83	F(157)		
ST84-277 Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	12-27-83	B		
ST84-278 Tennessee Gas Pipeline Co	Entex, Inc	12-27-83	B		
ST84-279 Tennessee Gas Pipeline Co	Gulf South Transmission Co	12-27-83	B		
ST84-280 Tennessee Gas Pipeline Co	Cajun Natural Gas Co	12-27-83	B		
ST84-281 Tennessee Gas Pipeline Co	Mississippi Gulf Transmission Co	12-27-83	B		
ST84-282 Tennessee Gas Pipeline Co	Concord Natural Gas Corp	12-27-83	B		
ST84-283 Tennessee Gas Pipeline Co	Valley Gas Co	12-27-83	B		
ST84-284 Channel Industries Gas Co	Tennessee Gas Pipeline Co	12-27-83	C		
ST84-285 Columbia Gulf Transmission Co	United States Steel Corp	12-27-83	F(157)		
ST84-286 Michigan Wisconsin Pipe Line Co	Pioneer Transmission Co	12-27-83	B		
ST84-287 Michigan Wisconsin Pipe Line Co	Peoples Natural Gas Co	12-27-83	B		
ST84-288 Michigan Wisconsin Pipe Line Co	Westar Transmission Co	12-27-83	B		
ST84-289 Transok, Inc	Gulf South Pipeline Co	12-23-83	C	05-20-84	27.94
ST84-290 Columbia Gas Transmission Corp	Washington Gas Light Co	12-29-83	B		
ST84-291 Michigan Wisconsin Pipe Line Co	Northern Indiana Public Service Co	12-29-83	B		
ST84-292 Michigan Wisconsin Pipe Line Co	Northern Indiana Public Service Co	12-29-83	B		
ST84-293 Northern Natural Gas Co	High Plains Natural Gas Co	12-29-83	B		
ST84-294 Louisiana Intrastate Gas Corp	The Town of Colfax, LA	12-30-83	C	05-28-84	20.00
ST84-295 Valero Transmission Co	Northern Natural Gas Co	12-30-83	C		

[FR Doc. 84-4486 Filed 2-17-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-197-000]

United Gas Pipe Line Co.; Application

February 15, 1984.

Take notice that on January 18, 1984, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-197-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for a direct sale of up to 1,800 Mcf per day of gas on an interruptible basis to Standard Products Company, Inc. (Standard), an existing on-system direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that this sale would be performed only when United's supplies of natural gas exceed the demands of its customers for certificated firm service, taking into account storage volumes and the requirements for storage injection.

United will charge a price equal to $0.50 per Mcf plus the weighted average cost of gas per Mcf in United's system. Standard will utilize this gas at its Moss Point, Mississippi, fish processing facility in the production of fish oil.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 7, 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 wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-4487 Filed 2-17-84; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL 2528-8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM–223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

Toxics Programs

Title: Tolerance Petitions for Pesticides on Food/Feed and New Inert Pesticides Ingredients (EPA ¿0597).

Abstract: The Federal Food, Drug and Cosmetic Act authorizes EPA to establish tolerances or exemptions from tolerances for residues of pesticides and inert ingredients in or on food. To establish a tolerance, EPA requires manufacturers to provide information to support the tolerance or exemption.

Respondents: Pesticides manufacturers.

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers (PM–223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, SW., Washington, D.C. 20460; and

Wayne Leiss, Carlos Tellez or Rick Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: February 13, 1984.

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84–4155 Filed 2–17–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

BSB Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (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. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 14, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *BSB Financial Corporation,* Trenton, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of The Broad Street National Bank of Trenton, Trenton, New Jersey. Comments on this application must be received not later than March 5, 1984.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Two Rivers Bancorp, Inc.,* Prophetstown, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers National Bank of Prophetstown, Prophetstown, Illinois, First National Bank of Manlius, Manlius, Illinois, and Tampico National Bank, Tampico, Illinois.

2. *Wolcott Bancorp,* Wolcott, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Wolcott, Wolcott, Indiana.

Board of Governors of the Federal Reserve System, February 14, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–4477 Filed 2–17–84; 8:45 am]

BILLING CODE 6210–01–M

Independence Bank Group, Inc., Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (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. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Independence Bank Group, Inc.,* Waukesha, Wisconsin; to engage through its *de novo* subsidiary, Independence Trust Company ("Company") in performing functions and activities of a fiduciary, agency and custodial nature, in a manner authoized by federal and state law, for the subsidiary banks of Independence Bank Group, Inc. Company will not be a bank (as the term "bank" is defined in Regulation Y). Company will also engage in: serving as the advisory company for a mortgage or a real estate investment trust; and serving as investment adviser (as defined in section 2(a)(20) of the Investment Company Act of 1940, 15 U.S.C. 80a–2(a)(20)), to an investment company

registered under that act, including sponsoring, organizing, and managing a closed-end investment company. Such trust functions are currently performed through Independence Bank Waukesha (N.A.), a subsidiary bank of Independence Bank Group, Inc. These activities would be performed in the State of Wisconsin.

Board of Governors of the Federal Reserve System, February 14, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-4478 Filed 2-17-84; 8:45 am]

BILLING CODE 6210-01-M

Norwest Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) of (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 USC 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to retain control of voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related in 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. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank or the offices of the Board of Governors not later than March 9, 1984.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to retain the shares of a general insurance agency acquired by its wholly-owned subsidiary, Norwest Agencies, Inc., pursuant to the authority of Section 4(c)(8)(D) if the Bank Holding Company Act of 1956, as amended. The agency was transferred to Norwwest Agencies from Applicant's Banking subsidiary, Norwest Bank Redwood Falls, N.A. These activities would be conducted from offices in Redwood Falls, serving the State of Minnesota.

Board of Governors of the Federal Reserve System, February 14, 1984

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-4476 Filed 2-17-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Organization and Direction of Work

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget (OMB) to review and approve an existing collection in use without an OMB control number.

DATE: Submit comments on this information collection before March 9, 1984.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, GSA Clearance Officer, General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Office of Acquisition Policy (202-523-4799).

SUPPLEMENTARY INFORMATION:

a. *Purpose of collection.* The information on organization and direction of work provided by firms performing under Federal cost-reimbursement construction contracts is used to monitor the contractor with regard to performance and cost.

b. *Annual reporting burden.* This is estimated as follows: Respondents and responses 50, hours 38.

c. *Obtaining copies of proposal.* Requestors may obtain copies of the proposal from the Directives and Reports Management Branch (ATRAI), Room 3004, GS Building, Washington DC 20405 (202-566-0666).

Dated: February 9, 1984.

William W. Hiebert,

Acting Director, Information Management Division.

[FR Doc. 84-4498 Filed 2-17-84; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1984:

Name: Health Care Technology Study Section.

Date and Time: March 5, 1984, 8:00 a.m.

Place: The Pavilion, Party Room, 12000 Old Georgetown Road, Rockville, Maryland 20852.

Open March 5, 8:00 a.m. to 9:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research (NCHSR).

Agenda: The open session from 8:00 a.m. to 9:00 a.m. on March 5 will be devoted to a business meeting covering administrative matters, reports, and a presentation by the Director, NCHSR. The closed portion of the meeting will be devoted to review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, Room 1-52, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-3091.

Name: Health Services Research Review Subcommittee.

Date and Time: March 7-8, 1984, 8:00 a.m.

Place: Linden Hill Hotel, Pinehurst Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open March 7, 8:00 a.m. to 9:00 a.m.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research (NCHSR).

Agenda: The open session of the meeting on March 7 will be devoted to a business meeting covering administrative matters, reports, and a presentation by the Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph. D., National Center for Health Services Research, Room 1–52, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–3091.

Agenda items are subject to change as priorities dictate.

Dated: February 13, 1984.

John E. Marshall,

Director, National Center for Health Services Research.

[FR Doc. 84–4558 Filed 2–17–84; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–84–1347]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Credit Application for Property Improvement Loan
Office: Housing
Form number: HUD–56001
Frequency of submission: On Occasion
Affected public: Individuals or Households and Small Businesses or Organizations
Estimated burden hours: 63,000
Status: Extension
Contact: James L. Anderson, HUD, (202) 755–6880, Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 3, 1984.

Donald C. Demitros,

Acting Director, Office of Information Policies and Systems.

[FR Doc. 84–4521 Filed 2–17–84; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Alaska Land Use Council; Notice

As required by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96–487, dated December 2, 1980, Section 1201, Paragraph (h), the Alaska Land Use Council will meet at 9:00 a.m., Wednesday, March 21, 1984, in the Governor's Conference Room, Third floor, State Capitol Building, Juneau, Alaska.

The agenda will include status reports and possible recommendations on a Dalton Highway Study; Cadastral Survey; proposed Admiralty Island Monument Boundary Adjustment; Chugach Forest Management Plan; Lake Clark General Management Plan; and adoption of the Council's 1983 Annual Report..

FOR FURTHER INFORMATION CONTACT: Alaska Land Use Council, P.O. Box 100120, Anchorage, Alaska 99510, (907) 272–3422, (FTS) (907) 271–5485.

The public is invited to attend.

J. J. Simmons III,

Under Secretary.

[FR Doc. 84–4698 Filed 2–17–84; 8:47 am]

BILLING CODE 4310–10–M

Bureau of Indian Affairs

Extinguishment of Indian Claims Pursuant to the Mashantucket Pequot Indian Claims Settlement Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extinguishment of Indian claims pursuant to the Mashantucket Pequot Indian Claims Settlement Act, Pub. L. 98–134, October 18, 1983.

SUMMARY: Pursuant to section 4(e) of the Mashantucket Pequot Indian Claims Settlement Act, this notice announces the extinguishment of all land and related claims of the Mashantucket Pequot Tribe and any of its members.

Notice: The Mashantucket Pequot Tribe is defined in section 3 of the Settlement Act. The Settlement was signed into law on October 18, 1983. Upon enactment of the Department of the Interior fiscal year 1984 Appropriations Act, Pub. L. 98–146, November 4, 1983, in which funds were appropriated for the Mashantucket Pequot Indian Claims Settlement and subsequently deposited in the United States Treasury, the following provisions in section 4 of the Settlement Act became effective:

Sec. 4(a) Any transfer before the date of enactment of this Act from, by, or on behalf of the Tribe or any of its members of land or natural resources located anywhere within the United States, and any transfer before the date of enactment of this Act from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians of land or natural resources located anywhere within the town of Ledyard, Connecticut, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, sec. 4, 1 Stat. 137, 138), and all amendments thereto and all subsequent reenactments and versions thereof, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer.

(b) By virtue of the approval and ratification of a transfer of land or natural resources effected by subsection (a), any aboriginal title held by the Tribe or any member of the Tribe, or any other Indian, Indian nation, or tribe or band of Indians, to any land or natural resources the transfer of which was approved and ratified by subsection (a) shall be regarded as extinguished as of the date of such transfer.

(c) By virtue of the approval and ratification of a transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, any claim (including any claim for damages for trespass or for use and occupancy) by, or on behalf of, the Tribe or any member of the Tribe or by any other Indian, Indian nation, or tribe or band of Indians, against the United States, any State or subdivision thereof or any other person which is based on—

(1) Any interest in or right involving any land or natural resources the transfer of which was approved and ratified by subsection (a) or

(2) Any aboriginal title to land or natural resources the extinguishment of which was effected by subsection (b), shall be regarded as extinguished as of the date of any such transfer.

(d) Nothing in this section shall be contrued to affect or eliminate the personal claim of any individual Indian (except for Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

Thus section 4 extinguishes any claims of aboriginal title of the Mashantucket Pequot Indians anywhere within the United States and bars all claims based on such title. The section also extinguishes any land claims within the town of Ledyard, Connecticut arising under Federal law by any Indian tribe or individual Indian, except that any personal claim of an individual Indian which arises under any law of general applicability to non-Indians as well as Indians would not be extinguished.

In return for the extinguishment of these Indian claims, the Act authorizes appropriations to establish both economic development and land acquisition funds for the Mashantucket Pequot Tribe. These funds will be held in trust by the Secretary of the Interior. Before the Secretary may expend these monies on their behalf, section 5(d) of the Act requires that the Mashantucket Pequot Tribe execute relinguishments and releases acknowledging the extinguishnment of their claims to the extent provided in sections 4 and 10 of the Act, including final judicial dismissal with prejudice of its claims.

In addition, as provided by section 5(b)(3)(B) the Mashantucket Pequot Tribe is required to submit an economic development plan to the Secretary of the Interior and the Secretary shall have sixty days in which to approve or disapprove the plan, before any such economic development funds may be expended on their behalf.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs pursuant to 209 DM 8.

For further information on the Settlement Act contact Harry A. Rainbolt, Area Director, Eastern Area Office, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. (703) 235–2571.

Dated: February 13, 1984.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 84-4500 Filed 2-17-84; 8:45 am]

BILLING CODE 4310-02-M

Receipt of Petition for Federal Acknowledgement of Existence as an Indian Tribe

February 13, 1984.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Dunlap Band of Mono Indians, Mono Tribal Council of Dunlap, c/o Florence Chaney, P.O. Box 126, Dunlap, California 93621, has filed a petition for acknowledegment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on January 4, 1984. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-4539 Filed 2-17-84; 8:45 am]

BILLING CODE 4310-02-M

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

February 13, 1984.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Nor-El-Muk Band of Wintu Indians of Northern California, c/o Edward Adams, P.O. Box 968, Hayfork, California 96041, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on January 5, 1984. The petitions was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) formerly 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-4540 Filed 2-17-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[OR-35017]

Oregon: Notice of Realty Action; Recreation and Public Purposes Classification and Lease of Public Land in Klamath County, Oregon

Correction

In FR Doc. 84–2301 beginning on page 3541, in the issue of Friday, January 27, 1984, make the following correction:

In the third column, in the land description leaded "Willamette Meridian, Oregon", first line, "T.S., R. 10E." should read T. 41 S., R. 10 E.".

BILLING CODE 1505-01-M

[U-50116]

Public Lands in Uintah County, Utah; Realty Action, State Exchange

The following described lands have been determined to be suitable for an exchange with the State of Utah under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The federal lands that have been identified to be suitable for disposal by exchange are:

Salt Lake Meridian Utah

T. 10 S., R. 20 E.
Sec. 13: All;
Sec. 24: N½N½, SW¼NW¼;
Sec. 25 All.
T. 10 S. R. 21.
Sec. 17: All;
Sec. 18: Lots 5, 6, E½NW¼, E½,
Sec. 21: All;
Sec. 33: All

Comprising 3,880.74 acres.

In exchange for these federal lands, the United States will acquire the title to the following lands belonging to the State of Utah:

Salt Lake Meridian, Utah

T. 9 S., R. 19 E.
Sec. 36: All.
T. 10 S., R. 19 E.
Sec. 2: All.
T. 10 S., R. 20 E.
Sec. 2: All.
T. 11 S., R. 21 E.
Sec. 2: All.
T. 11 S., R. 22 E.
Sec. 2: All.

And the mineral estate only of the following lands belonging to the State of Utah:

T. 9 S., R. 20 E.
Sec. 32: All.
T. 10 S., R. 20 E.
Sec. 32: All.

Comprising 4,544.51 acres.

The above lands will be subject to an appraisal to determine value. The listed lands may change to reflect value following the appraisal.

Upon publication of this notice, the Federal lands are hereby segregated from appropriation under the public land laws, including the mining laws.

Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. A reservation for the oil and gas.

3. All rights-of-way existing on the subject lands for the duration of the right-of-way grant.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Vernal District, 170 South 500 East, Vernal, Utah 84078.

Don Alvord,

Acting District Manager.

[FR Doc. 84–4541 Filed 2–17–84; 8:45 am]

BILLING CODE 4310-DQ-M

[U-50115]

Public Lands in Uintah County, Utah

The following described lands have been determined to be suitable for an exchange with the State of Utah under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The federal lands that have been identified to be suitable for disposal by exchange are:

Salt Lake Meridian, Utah

T. 9 S., R. 22 E.
Sec. 27: All;
Sec. 28: All;
Sec. 30: Lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼, NE¼SE¼;
Sec. 31: Lot 4, NE¼NW¼;
Sec. 33: All;
Sec. 34: All.
T. 10 S., R. 21 E.
Sec. 1: SW¼;
Sec. 12: S½NE¼, SE¼, W½.
T. 10 S., R. 22 E.
Sec. 3: All;
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 7: Lots 3, 4, E½SW¼, SE¼;
Sec. 8: All;
Sec. 9: All;
Sec. 10: S½N½, NW¼NW¼, S½;
Sec. 15: N½;
Sec. 17: All.

Comprising 9,476.18 acres.

In exchange for these federal lands, the United States will acquire the title to the following lands belonging to the State of Utah:

Salt Lake Meridian, Utah

T. 9 S., R. 20 E.
Sec. 36: All.
T. 9 S., R. 21 E.
Sec. 31: Lots 3–8 inclusive, NE¼SW¼, N½SE¼;
Sec. 32: All;
Sec. 33: Lots 1, 2, 3, 4, N½S½, S½N½.
T. 9 S., R. 22 E.
Sec. 2: All;
Sec. 36: All.
T. 10 S., R. 21 E.
Sec. 4: Lots 1, 2, S½NE¼;
Sec. 36: All.
T. 10 S., R. 22 E.
Sec. 12: All;
Sec. 13: All;
Sec. 19: E½;
Sec. 20: W½;
Sec. 24: NE¼, NE¼SE¼;
Sec. 25: All;
Sec. 32: All;
Sec. 36: All.

and the mineral estate only of the following lands:

T. 9 S., R. 21 E.
Sec. 2: S½;
Sec. 16: NE¼, S½.
T. 9 S., R. 22 E.
Sec. 16: All.

Comprising 9,751.88 acres.

The above lands will be subject to an appraisal to determine value. The listed lands may change to reflect equal value following the appraisal.

Upon publication of this notice, the Federal lands are hereby segregated from appropriation under the public land laws, including the mining laws.

Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. A reservation for the oil and gas.

3. All rights-of-way existing on the subject lands for the duration of the right-of-way grant.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Vernal District, 170 South 500 East, Vernal, UT 84078.

Don Alvord,

Acting District Manager.

[FR Doc. 84–4542 Filed 2–17–84; 8:45 am]

BILLING CODE 4310-DQ-M

Minerals Management Service

Fourth Seminar on Technology Assessment and Research Program for Outer Continental Shelf Oil and Gas Operations

The Technology Assessment and Research Program, Minerals Management Service, is holding its

Fourth Seminar on March 28–29, 1984, at the National Center, Reston, Virginia.

The program consists of contract research at universities, Government laboratories, and private companies in the categories of well-control, structural inspection and monitoring, geotechnical, ice mechanics, materials, and risk assessment. The agenda for the Seminar follows:

Wednesday, March 28, 1984

Morning Session

8:00—Registration—Coffee.

8:55—Preliminary Remarks—John Gregory, Chief, Technology Assessment and Research Branch, Minerals Management Service.

9:00—Welcome—William D. Bettenberg, Director, Minerals Management Service.

9:15—Dynamic Response of Offshore Structures Subjected to Waves and Vortex Shedding—Dr. J. Kim Vandiver, Massachusetts Institute of Technology, Cambridge, Massachusetts.

New techniques have been developed for the prediction of viscous damping from waves and currents.

9:45—Reliability of Concrete Structures in The Arctic Environment—Dr. H. S. Lew, National Bureau of Standards, Washington, D.C.

An assessment had been conducted of available information on the design and preformance of concrete structures in an Arctic environment.

10:15—Coffee.

10:45—Wave Force Prediction Models for Ocean Structures—Jerome M. Dummer, Naval Civil Engineering Laboratory, Port Hueneme, Califorinia.

Wave flume experiments have been conducted to evaluate Morison-type wave force prediction models and to provide an improved data base for evaluating future wave force models.

11:15—Assessment of Uncertainties Associated with the Dynamic Behavior of Compliant Offshore Structures—Dr. Emil Simiu, National Bureau of Standards, Washington, D.C.

Errors and other uncertainties in techniques for modeling the behavior of compliant structures are estimated to develop a more rigorous understanding of structural reliability.

11:45—Development of Improved Blowout Prevention Procedures for Deepwater Drilling Operations—Dr. Ted Bourgoyne, Louisiana State University, Baton Rouge, Louisiana.

By means of the new research oil well facility at LSU, well control procedures for deepwater drilling operations are being investigated.

12:15—Lunch.

Afternoon Session

1:30—Oilspill Containment and Cleanup, The Canadian Viewpoint—Kenneth M. Meikle, Chief, Environmental Emergencies Technology Division, River Road Laboratories, Ottawa.

Review of the current state-of-practice for oilspill containment and cleanup on the Canadian Arctic and Sub-Arctic.

2:00—Subsea Collection of Oil from a Blowing Well—Dr. Jerome Milgram, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Large scale field model tests have been conducted to evaluate a subsea collection system for oil which emanates from a blowing well.

2:30—Suppression of Blowout Fires by Using Water Spray—Dr. David D. Evans, National Bureau of Standards, Washington, D.C.

Results are presented on both laboratory and field experimental studies of a blow-out fire suppression technique based on thermal cooling.

3:00—Coffee.

3:30—Seafloor Earthquake Measurement System, An Overview of the SEMS Project—Dr. Henry Dodd, Sandia National Laboratories, Albuquerque, New Mexico.

SEMS is a unique instrumentation system developed for collecting seismic motion data from remote ocean floor sites. Data from a recent earthquake were, on occasion, considerably different from information provided by identical land-based monitoring equipment.

4:00—Cyclic Capacity of Tension Piles; A Perspective—Hudson Matlock, The Earth Technology Corporation, Long Beach, California.

Tension leg production platforms are vertically moored to an ocean bottom foundation which, inturn, is held in place by driven piles. The behavaior of these foundations which are subjected to large, sustained uplift and superimposed cyclic loads is discussed.

4:30—Response of Piles in Clay Soils Subject to Repeated Lateral Loading—Dr. Lymon C. Reese, University of Texas, Austin, Texas.

An advanced soil model is being developed to improve the fundamental understanding of pile/soil response under repeated lateral loading.

5:30—Social Hour.

Thursday, March 29, 1984

Morning Session

8:00—Coffee.

8:30—Flexibility Monitoring Technique for Inspecting Fixed Offshore Platforms—Dr. Sheldon Rubin, The Aerospace Corporation, Los Angeles, California.

Flexibility monitoring circumvents the need to measure harmonic frequencies necessary in conventional vibrational monitoring techniques. Recent field tests have been conducted on the Cognac and Garden Banks platforms to verify the technique.

9:00—Early Detection of Damage in Offshore Structures Using a Global Ultrasonic Inspection Technique—Dr. Joseph L. Rose, Drexel University, Philadelphia, Pennsylvania.

A microprocessor, in conjunction with an ultrasonic flaw detector, can be used as a reliable ultrasonic inspection process.

9:30—Experimental Autonomous Vehicle (EAVE) Program: Unmanned, Untethered Submersible Technology—Paul Heckman, Naval Ocean Systems Center (NOSC), San Diego, California; Dr. Robert Corell, University of New Hampshire (UNH), Durham, New Hampshire.

A collaborative program to develop technology for inspecting underwater pipelines and structures by means of robot vehicles. At NOSC, magnetometer navigation and fiber optic communications have been developed. At UNH, acoustics for both navigation and communications have been investigated. The conclusions of the projects are presented.

10:00—Coffee.

10:30—The EAVE Program continued.

11:00—Environmental Cracking of High-Strength Tension Members in Seawater—Thomas W. Crooker, Naval Research Laboratory, Washington, D.C.

The use of high-strength steels in the tendons of tension leg platforms raises questions concerning long term structural integrity because of the possibility of environmental cracking; results of an experimental study are presented.

11:30—Mechanical Properties of Multiyear Sea Ice—Dr. Gordon F. N. Cox, U.S. Army Cold Regions Research and Engineering Laboratory, Hanover, New Hamsphire.

A combined theoretical and experimental program is being conducted to determine the stress-strain relations and failure criteria for multiyear sea ice as it pertains to the design of Arctic structures.

12:00—Lunch

Afternoon Session

1:30—Ice Forces Against Arctic Offshore Structures—Dr. William Sackinger, University of Alaska, Fairbanks, Alaska.

To determine the lateral forces generated by moving sea ice, uniaxial stress sensors were installed off Seal Island to measure the far field ice forces.

2:00—Assessment of Ice Accretion on Offshore Structures—L. David Minsk, U.S. Army Cold Regions Research and Engineering Laboratory, Hanover, New Hamsphire.

Review of the current knowledge of ice accretion on offshore structures in the Arctic, to include current technology for mitigating ice buildup; the results of a recent field study are presented.

2:30—Engineering Properties of Subsea Permafrost—Edwin Chamberlain, U.S. Army Cold Regions Research and Engineering Laboratory, Hanover, New Hampshire.

Tests have been conducted on samples of subsea permafrost to assess the engineering properties unique to this material and their influence on bottom-founded structures.

3:00—Open discussion of the Technology Assessment and Research Program and MMS Offshore Operations—Mr. Richard Krahl, Deputy Associate Director for Offshore Minerals Operations.

Adjourn.

The Seminar is being held for the public without charge. Interested parties should write for invitations and technical material to Mr. Charles E. Smith, Research Program Manager, Technology Assessment and Research Branch, Minerals Management Service,

647 National Center, Reston, Virginia 22091 or call (703) 860–7865.

Dated: February 13, 1984.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 84–4507 Filed 2–17–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 10, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 7, 1984.

Carol D. Shull,

Chief of Registration, National Register.

FLORIDA

Dade County

Miami, *Fire Station No. 4*, 1000 S. Miami Ave.
Miami, *Olympia Theater and Office Building*, 174 E. Flager St.

IDAHO

Ada County

Foote, Mary Hallock, House Site

INDIANA

Clark County

Jeffersonville, *Louisville Municipal Bridge, Plyons and Administration Building*, Spans Ohio River between Louisville, KY and Jeffersonville, IN

KENTUCKY

Jefferson County

Louisville, *Louisville Municipal Bridge, Plyons and Administration Building*, Spans Ohio River between Louisville, KY and Jeffersonville, IN

Jessamine County

Bethel Academy (15JS80).

MINNESOTA

Hennepin County

Minneapolis, *Gethsemane Episcopal Church*, 901–905 4th Ave. S
Minneapolis, *Owre, Dr. Oscar, House*, 2625 Newton Ave. S

Hubbard County

Park Rapids, *Hubbard County Courthouse*, Court St.

Wabasha County

Lake City, *Williamson-Russell-Rahilly House*, 304 Oak St.

Washington County

Afton, *Cushing Hotel*, 3291 St. Croix Trail Ave. S

Watonwan County

Madelia, *Flanders' Block*, 30 W. Main St.

MISSISSIPPI

Coahoma County

Barner Site (22-Co-542).
Salomon (Salmon) Site.

Harrison County

Gulfport, *U.S Post Office and Customhouse*, 2421 13th St.

NEBRASKA

Lancaster County

Lincoln, *Harris House (proposed move)*, 17th and K Sts.

NORTH CAROLINA

Rockingham County

Cross Rock Rapid Sluice (Dan River Navigation System in North Carolina TR).
Dead Timber Ford Sluices (Dan River Navigation System in North Carolina TR).
Eagle Falls Sluice (Dan River Navigation System in North Carolina TR).
Gravel Shoals Sluice (Dan River Navigation System in North Carolina TR).
Jacob's Creek Landing (Dan River Navigation System in North Carolina TR).
Mayo River Sluice (Dan River Navigation System in North Carolina TR).
Roberson's Fish Trap Shoal Sluice (Dan River Navigation System in North Carolina TR).
Slink Shoal Sluice and Wing Dams (Dan River Navigation System in North Carolina TR).
Tanyard Shoal Sluice (Dan River Navigation System in North Carolina TR).
Three Ledges Shoal Sluice (Dan River Navigation System in North Carolina TR).
Wide Mouth Shoal Sluice (Dan River Navigation System in North Carolina TR).

OKLAHOMA

Creek County

Sapulpa, *U.S. Post Office*, 17 S. Elm St.

TENNESSEE

Maury County

Mt. Pleasant, *Walnut Grove*, 510 N Main St.

TEXAS

Starr County

Roma-Los Saenz, *Roma-San Pedro International Bridge*, SW of Hidalgo St. and Bravo Alley

VERMONT

Windham County

Rockingham vicinity, *Moore and Thompson Paper Mill Complex*, Bridge St.

VIRGINIA

Alexandria (Independent City)

Alexandria City Hall, 301 King St.

Prince Edward County

Farmville vicinity, *Longwood House*, Johnson Dr.

Roanoke (Independent City)

Boxley Building, 416 Jefferson St., SW

WASHINGTON

Franklin/Walla Walla Counties

Lower Snake River Archaeological District

WEST VIRGINIA

Braxton County

Napier vicinity, *Cunningham House and Outbuildings (Bulltown MRA)*, E of Napier
Napier vicinity, *Union Civil War Fortification (Bulltown Civil War Site) (Bulltown MRA)*, E of Napier

WISCONSIN

Milwaukee County

Milwaukee, *Historic Third Ward Historic District*, Bounded by the Milwaukee River, C and NW RR, and E. St. Paul and N. Jackson Sts.
Milwaukee, *State Bank of Wisconsin (Bank of Milwaukee Block)*, 210 E. Michigan St.

Polk County

St. Croix Falls, *Thompson, Thomas Henry, House*, 205 N. Adams St.

WYOMING

Crook County

Sundance, *Sundance State Bank*, 301 Main St.

Laramie County

Cheyenne, *Hynds Lodge*, Curt Gowdy State Park

Sheridan County

Dayton, *Wissler, Susan, House*, 406 Main St.

The 15-day commenting period for the following property is to be waived in order to assist in the building's preservation.

OHIO

Hamilton County

Newtown vicinity, *Harrison-Landers House (proposed move)*, School St.

[FR Doc. 84–4489 Filed 2–17–84; 8:45 am]

BILLING CODE 4310–70–M

U.S. 101 Demonstration Project, Redwood National Park, Prairie Creek Redwoods State Park; Availability of Final Environmental Impact Statement

SUMMARY: This notice announces the availability of a final environmental impact statement for the U.S. 101 Demonstration Project, Redwood National Park and Prairie Creek Redwoods State Park, in Humboldt and Del Norte Counties, California.

The statement evaluates thirteen alternatives to solve the problems of conflict and congestion on U.S. 101 in Prairie Creek Redwoods State Park. The preferred alternative calls for the construction of a 12 mile-long, four lane bypass to the east of the Prairie Creek Redwoods Park with approximately 4.5 acres of parkland required for construction of the bypass. The action complies with Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands.

The 30-day no-action period following the Environmnental Protection Agency's notice of availability of the final EIS will end on or about March 25, 1984. Public reading copies of the final EIS are available for review at the following locations.

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240; Telephone: 202–343–6843.

Redwood National Park, P.O. Box SS, Arcata, California 95521, Telephone: 707–822–7611.

Division of Planning and Environmental Quality, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102, Telephone: 415–556–5750.

California Department of Transportation, District 01 Office, P.O. Box 3700, Eureka, California 95501, Telephone: 707–442–561.

Dated: February 19, 1984.

Howard H. Chapman,

Regional Director, Western Region National Park Service.

[FR Doc. 84–4543 Filed 2–17–84; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–180]

Certain X-Ray Image Intensifier Tubes; Investigation

Correction

In FR Doc. 84–2764, beginning on page 4046 in the issue of Wednesday, February 1, 1984, the heading should read as it appears above.

BILLING CODE 1505–01–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub-171X)]

Chicago and North Western Transportation Company—Abandonment in Polk County, IA; Exemption

Chicago and North Western Transportation Company (C&NW) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost 78 at Ankeny and Des Moines at milepost 76.3, a total distance of 1.7 miles in Polk County, IA.

C&NW has certified (1) that no local or overhead traffic has moved over the line for at least 2 years and (2) that no formal complaint filed by a user of rail service on the line or a state or local governmental entity acting in behalf of such user regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Iowa has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on March 22, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by March 2, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by March 12, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to C&NW's representative: Anne E. Keating, One North Western Center, Chicago, IL 60606.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: February 8, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84–4502 Filed 2–17–84; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-103X)]

Seaboard System Railroad, Inc.—Abandonment—in Hillsborough and Manatee Counties, FL; Exemption

Seaboard System Railroad, Inc. (SBD), filed a notice of exemption for an abandonment under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost SW–833.5 and milepost SW–854.0, a distance of approximately 20.5 miles, in Hillsborough and Manatee Counties, FL.

SBD has certified (1) that no local traffic has moved over the line for at least 2 years, and that there is no overhead traffic on the line, and (2) that no formal complaint filed by a user of rail service on the line, or a state or local governmental entity acting on behalf of such user, regarding cessation of service over the line is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Florida has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on March 22, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by March 2, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by March 12, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to SBD's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: February 13, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-4502 Filed 2-17-84; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-141265]

Transportadora de Juarez, S.A. (Ciudad Juarez, Chihuahua, Mexico)

Decided: February 9, 1984.

By a late-tendered petition applicant requests that the Commission extend the authority in Permit No. MC-141265 for a period of five years. The involved permit was issued on May 8, 1978, and technically expired on May 8, 1983. The permit covers the transportation of liquefied petroleum gas from eight points in Texas and four points in New Mexico, to the port of entry on the United States-Mexico Boundary line located at or near El Paso, TX, under continuing contract(s) with five named shippers.

In explanation of its failure to request extension of the 5-year term in a timely manner, petitioner indicates that the principals of Transportadora de Juarez are citizens of Mexico, and its states that they are not familiar with the Commission procedures involved in extending a limited-term authority. Petitioner states that it had expected a notice from the Commission prior to the expiration date of the involved permit. It further states that the principals of Transportadora were on an extended tour from May through August, 1983, and through an oversight on their part and that of their attorneys, they failed to file a timely petition for extension.

Petitioner states that it supplies 85 percent of the liquefied petroleum gas for Northern Mexico; and with the winter season approaching thousands of Mexican nationals would be without heating or cooking fuel, if this petition should be denied. Petitioner states that it has an "exemplary" traffic record and request that the petition be granted, and the authority described in its permit extended for another 5 years.

It is not clear whether Congress intended to include withdrawal of existing authority [1] as part of this moratorium. We seek comment on this question. In any event, in view of the possibility of nonrenewal, due process requires that we afford petitioner an opportunity to be heard. Thus, as a matter of law, the existing certificate continues to be valid pending our decision.

It is ordered:

The late-tendered petition is accepted for filing.

This decision will be published in the ICC and **Federal Register** with comments due on March 22, 1984.

Comments should be sent to: MC-141265, Office of the Secretary, Case Control Branch, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

Note.—This action will not significantly affect either the quality of the human environment or conservation of energy resources.

[FR Doc. 84-4501 Filed 2-17-84; 8:45 am]

BILLING CODE 7035-01-M

[1] Extension of this authority would otherwise be a routine action. LPG authority is typically issued only in 5-year terms. Absent safety problems, the authority is renewed. There is no safety issue and the FHA has recommended renewal.

[Docket No. AB-33 (Sub-24X)]

Union Pacific Railroad Company—Abandonment—in Thomas County, KS; Exemption

Union Pacific Railroad Company (UP) has filed a notice of exemption for an abandonment under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is a portion of UP's Plainville Branch between milepost 203.71 and milepost 203.83, a distance of approximately 0.12 mile, at Colby, Thomas County, KS.

UP has certified (1) that no local traffic has moved over the line for at least 2 years, and that there is no overhead traffic on the line, and (2) that no formal complaint filed by a user of rail service on the line, or a state or local governmental entity acting on behalf of such user, regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Kansas has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on March 22, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by March 2, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by March 12, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to UP's representatives: Joseph D. Anthofer, Jeanna L. Regier, 1416 Dodge Street, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: February 13, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-4504 Filed 2-17-84; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[84-16]

Intend To Prepare a Draft Environmental Impact Statement

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: As part of the planetary exploration program of the United States, the National Aeronautics and Space Administration (NASA) has under development the Galileo mission to conduct detailed and long term, scientific investigations of the Jupiter system. The spacecraft consists of a combined orbiter and atmospheric entry probe. The orbiter will deliver the probe which will enter the atmosphere of Jupiter and then orbit the planet of Jupiter for a period of approximately 20 months. Launch by the Space Transportation System (Space Shuttle and Centaur G Prime) is scheduled for April/May 1986.

Like a number of planetary and interplanetary spacecraft (e.g., Pioneer 10 and 11, Viking Lander, Voyager 1 and 2), the Galileo spacecraft utilizes on-board electric power by Radioisotope Thermoelectric Generators (RTG's). The

analyses and environmental impact statements for the prior spacecraft, and analyses to date of the Galileo spacecraft, indicate that the only environmental effects of potential significance would be associated with the possible release of small amounts of plutonium 238 from the RTG's in case of launch accident or inadvertent spacecraft reentry into Earth's atmosphere accompanied by breakup of the protective containment vessel. Thus, the Galileo environmental impact statement will address this question.

Associated with the launch of this (and other) spacecraft are a number of environmental effects from the launch systems. Those resulting from the launch and landing of the Space Shuttle are detailed in the environmental impact statements for the Space Shuttle program (1978) and for the Kennedy Space Center (Revision 1979). The environmental effects of the Centaur G Prime are under study and will be treated separately.

Alternatives to the RTG power source (including solar cells, fuel cells, batteries, and chemical dynamic systems) have been explored. Although potential environmental impact would be less for these alternative systems, these systems would not meet all Galileo project requirements.

The Galileo draft environmental impact statement is expected to be released for review and comment in early 1984. Written comments or suggestions are solicited as part of the environmental impact statement scoping process.

ADDRESS: National Aeronautics and Space Administration, Code El, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. H. Mannheimer, (202) 453-1602.

Dated: February 13, 1984.

John W. Boyd,

Associate Administrator for Management.

[FR Doc. 84-4479 Filed 2-17-84; 8:45 am]

BILLING CODE 7510-01-M

[84-17]

NASA Advisory Council (NAC), Space and Earth Science Advisory Committee (SESAC); 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 and Earth Science Advisory Committee.

DATE AND TIME: March 7, 1984, 8:30 a.m. to 5:30 p.m.; and March 8, 1984, 8:30 a.m. to 12:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226A, 600 Independence Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1410).

SUPPLEMENTARY INFORMATION: The NAC Space and Earth Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space and Earth Science programs.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). Topics under discussion at this meeting will include a status report on FY 1985 Budget/Program Progress, Results from Spacelab 1 Mission, Update on Space Station Program, Data Management at NASA, Long Range Planning, and an Overview of the Office of Aeronautics and Space Technology (OAST) Program.

Type of Meeting

Open.

AGENDA

March 7, 1984

8:30 a.m.—Introduction, Announcements, Meeting Logistics, and Other Administrative Matters.
8:45 a.m.—Status Reports on the Earth System Science Committee, Space Station Science Task Force, Science on Shuttle Study and Research and Analysis Study.
9:15 a.m.—FY 1985 Budget Status Report.
11:15 a.m.—Status Report on the Space Station Program.
1:15 p.m.—Results from Spacelab 1 Mission.
2:15 p.m.—Report on Data Management at NASA.
3:30 p.m.—Long Range Planning.
5:30 p.m.—Adjourn.

March 8, 1984

8:30 a.m.—Overview of the OAST Space Technology Program.
11:00 a.m.—General Discussion of Committee Activities and Plans for Next Meeting.
12:30 p.m.—Adjourn.

Dated: February 9, 1984.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 84-4480 Filed 2-17-84; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Recommendation Responses; Availability of

Recommendation Responses from:

Aviation—*Federal Aviation Administration: Jan. 26: A-81-104, -107, and -111:* The Airplane Flight Manual for the McDonnell Douglas DC-9-50 and -80 airplanes has been amended to establish procedures for handling abnormal hydraulics-out landings. *A-81-105 and -108:* The Chairman of the DC-9 Flight Standardization Board has issued a memorandum directing all DC-9 aircraft training programs to incorporate the information and problems associated with reverse thrust operation. *A-81-106, -109, and -122:* The FAA's National Simulator Evaluation Team's evaluation of the DC-9 and B-727 training simulators determined that there is no consistency in the simulator performance throughout the industry for the effect of the decrease in vertical stabilizer and rubber control effectiveness as a function of engine reverse thrust levels. If effective training is to be accomplished, then the first step would be to acquire the necessary data and then develop the mathematical models with sufficient fidelity to provide an effective basis for training for the DC-9 and B-727 airplanes. Title 14 CFR Part 121, Appendix H, specifies reverse thrust data for airplanes on which a type certificate was issued after June 1, 1980. But to have required such data for all aircraft would have been an economic burden to the industry which was not warranted in view of the training value which could be derived. Further, the capability of older simulators to incorporate new features is seriously limited by available computer capacity. *A-81-123:* Because of the simulator team's findings that the simulators are not programmed for a demonstration of directional control characteristics during landing rollout, FAA will endeavor to insure that the difficulties encountered in the reverse thrust maneuver are part of the classroom training program.

Highway—*State of Colorado: Jan. 25: H-83-52:* Governor has asked the Division of Highway Safety to continue to work with the Colorado Coalition on Child Restraints to promote the use of restraint systems and to emphasize the proper use of child safety seats.

State of Maryland: Jan. 20: H-83-52: Project KISS (Kids in Safety Seats) began in Jan. 1980 and has established 62 loaner programs in the State. Project staff provide inservice workshops and training programs. The correct use of car seats has been emphasized in Project KISS educational materials, training programs, and evaluation activities.

Project staff is planning a self-contained audio-visual training package on technical issues related to correct use and educational strategies to increase correct use rates. Project KISS will provide those individuals who conduct education and loaner programs with a reference manual of instructions for the proper use of all dynamically tested car seats.

Lieutenant Governor, State of Mississippi: Jan. 16: H–83–52: Is directing the recommendation concerning misuse of child safety seats to Senator John William Powell, Chairman, Senate Highways and Transportation Committee for his review.

Department of Public Safety, State of Alaska: Feb. 2: H–83–49 and –50: Legislation has been introduced in both the State House and State Senate concerning child passenger protection. The Alaska Highway Safety Planning Agency has also implemented public awareness programs with regard to this problem.

State of Georgia: Jan. 27: H–83–52: Office of Highway Safety has a program to provide information to medical personnel, maternal and infant health care personnel, parents, and parents-to-be on the importance of the proper use of child safety seats.

Department of Transportation, State of New York: Feb. 1: H–79–48: A median treatment conforming to the latest standards has been completed on several sections of the Grand Central Parkway, including the area where the June 8, 1979, accident occurred. This improvement will be monitored to confirm its effectiveness in eliminating the vaulting cross-over problem.

Ford Motor Company: Feb. 2: H–83–60 and –61: The Ford Tot-Guard and the Ford Infant Carrier and their correct use are fully described in specific user instructions provided with and attached to each system. These instructions include specific directions with regard to age, weight, and height, and identify safety belt and harness routing points.

Speaker of the House of Representatives, State of Utah: Dec. 28: H–83–49 and –50: A bill concerning a child restraint law will be introduced in the House Budget Session on Jan. 9, 1984.

Intermodal—*Research and Special Programs Administration: Feb. 2: I–83–4:* Agrees that preshipment inspection criteria, for drums being used to ship regulated hazardous materials, that go beyond existing criteria in 49 CFR 173.28 should be considered. Proposed certain preshipment inspection criteria for inclusion in 49 CFR 173.24 in the Advance Notice of Proposed Rulemaking in Docket No. HM–181. These criteria will be expanded in the upcoming Notice of Proposed Rulemaking in Docket No. HM–181, to require inspection for container integrity.

Marine—*U.S. Coast Guard: Jan. 24: M–81–37:* Requiring containerized dangerous cargo to be stowed near the centerline of the vessel is impractical. Such a regulation would be a severe burden on containship operations resulting in loss of revenue to carriers, delay in shipments, and disruption of port and shipboard activities without a commensurate increase in safety. *M–81–38:* Since the Coast Guard believes that stowage of containerized dangerous cargo near the centerline is impractical, it will not recommend that the International Maritime Organization adopt such a regulation.

Ohio Department of Natural Resources: Jan. 23: M–83–76 and –77: The Division of Watercraft addresses the problem of alcohol and recreational boating in media campaigns and is gathering data on the effects of alcohol and boating. Legislative action is underway that addresses the implied consent statute in regard to alcohol involvement with boating.

Pipeline—*El Paso Natural Gas Company: Jan. 26: P–83–31 through –37:* Acknowledges receipt of recommendations and will reply by Mar. 30 concerning specific actions taken at the Blanco Compressor Station and to prevent similar failures at its other stations.

Railroad—*Burlington Northern Railroad: Jan. 17: R–83–101:* Unless every train has an operable radio which is continuously monitored by head end and rear end crews, a train operating procedure requiring the use of the radio to exchange information between trains on, entering, or departing main track routes would be a hazard to railroad operations. Radios can and do fail; their broadcast range is affected by prevailing atmospheric conditions; crew member's duties do not permit continuous monitoring of the radio; and transmissions can be misinterpreted.

Elgin, Joliet and Eastern Railway Company: Feb. 6: R–83–60 and –61: Has established procedures whereby management supervisory personnel are required to observe and/or contact operating department employees as they are reporting for duty and on many occasions when they report off duty. However, these requirements, although they are strictly enforced, are not a part of any written procedures manual for management personnel.

Bessemer and Lake Erie Railroad Company: Feb. 2: R–83–60 and –61: Has established procedures whereby management supervisory personnel are required to observe and/or contact operating department employees as they are reporting for duty and on many occasions when they report off duty. However, these requirements, although they are strictly enforced, are not a part of any written procedures manual for management personnel.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 14 cents per page ($1 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

February 14, 1984.

[FR Doc. 84–4533 Filed 2–17–84; 8:45 am]

BILLING CODE 4910–58–M

Nuclear Regulatory Commission

Advisory Committee on Reactor Safeguards, Subcommittee on Braidwood Station; Meeting

The ACRS Subcommittee on Braidwood Station will hold a meeting on March 8 and 9, 1984, at the Quality Lodge, 19747 Frontage Road (at I–55, Route 50 and 52), Joliet, IL. The Subcommittee will review the application of the Commonwealth Edison Company for an operating license for the Braidwood Station. Notice of this meeting was published January 24, 1984 (49 FR 2972).

In accordance with the procedures outlined in the **Federal Register** on September 28, 1984 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, March 8, 1984—8:30 a.m. until 12:30 p.m.

Friday, March 9, 1984—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Commonwealth Edison Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

Date: February 15, 1984.

John C. Hoyle,

Advisory, Committee Management Officer.

[FR Doc. 84-4556 Filed 2-17-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published January 24, 1984 (49 FR 2972). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1984 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Quality and Quality Assurance in Design and Construction, February 24, 1984, Washington, DC. The Subcommittee will have a closed meeting to review and discuss with the NRC Staff its draft report to Congress on Quality Assurance during construction of nuclear power plants (report required by Pub. L. 97-415, NRC Authorization Act, Section 13). Notice of this meeting was published February 2, 1984.

**Reactor Radiological Effects*, February 24, 1984, Washington, DC. The Subcommittee will review GPU Nuclear Corporation's cleanup plans for Three Mile Island (TMI) Nuclear Power Station Unit 2 and FEMA's report for recent TMI radiological emergency exercises. Notice of this meeting was published February 7, 1984.

**Qualification Program for Safety-Related Equipment*, February 29, 1984, Washington, DC. The Subcommittee will review the status of Generic Issue A-46, "Seismic Qualification of Equipment for Operating Reactors" and review details of the NRC Electrical Equipment Qualification and Plant Aging Research Programs. Notice of this meeting was published February 7, 1984.

**Braidwood Nuclear Power Plant*, March 8 and 9, 1984, Joliet, IL. The Subcommittee will review the application of the Commonwealth Edison Company for an operating license.

**Reactor Operations*, March 13, 1984, Washington, DC. The Subcommittee will review a differing professional opinion (DPO) related to the Westinghouse Safety Parameter Display Systems (SPDS).

**Maintenance Practices and Procedures*, March 14, 1984, Washington, DC. The Subcommittee will review the current status of maintenance practices and procedures for nuclear power reactors.

**Reliability and Probabilistic Assessment*, March 14, 1984, Washington, DC. The Subcommittee will review the revised PRA reference document.

**Safety, Philosophy, Technology, and Criteria*, March 14, 1984, Washington, DC. The Subcommittee will meet with NRC Management and discuss with them their perception of the risk which they associate with a selected collection of recent NRC decisions and the basis on which this level of risk is considered to be acceptable.

**Combined Emergency Core Cooling Systems (ECCS) and Decay Heat Removal*, March 20 and 21, 1984, Washington, DC. The Subcommittee will discuss the status of feed-and-bleed capability in PWRs.

**ACRS Seminar on Probabilistic Risk Assessment*, March 22 and 23, 1984, Washington, DC. A seminar will be held on the state-of-the-art of probabilistic risk assessment.

**Class 9 Accidents*, March 30, 1984, Washington, DC. The Subcommittee will discuss the final Severe Accident Policy Statement.

**Extreme External Phenomena*, April 4, 1984, Washington, DC. The Subcommittee will review the generic methodology for developing design basis severe winds for SEP plants and to review the specific application to Ginna.

**Metal Components*, April 19 and 20, 1984, Washington, DC. The Subcommittee will discuss reactor coolant water chemistry and its effects on material behavior, review the status of pressurized thermal shock and discuss BWR pipe cracking matters.

**Reactor Radiological Effects*, Date to be determined (late April), Morris IL. The Subcommittee will review Dresden decontamination plan.

**AC/DC Power Systems Reliability*, Date to be determined, Washington, DC. The Subcommittee will discuss the status of the NRC Staff actions on Generic Issue B-56, "Diesel Reliability," and Generic Issue A-30, "Adequacy of Safety-Related DC Power Supplies" and Task Action A-44, "Station Blackout."

**Emergency Core Cooling Systems*, Date to be determined, Washington, DC. The Subcommittee will continue the review of the joint NRC/B&W/EPRI integral test program.

Westinghouse Water Reactors, Date to be determined, Washington, DC. The Subcommittee will continue pre-Preliminary Design Approval review of Westinghouse Advanced Pressurized Water Reactor. This meeting will be closed.

**Regulatory Activities*, Date to be determined, Washington, DC. The Subcommittee will review Regulatory Guide 1.35, Rev. 3, "Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures;" Regulatory Guide 1.35.1, "Determining Prestressing Forces for Inspection of Prestressed Concrete Containments;" Regulatory Guide 1.12, Rev. 2, "Seismic Instrumentation;" and proposed general revisions to Appendix J to 10 CFR 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors."

**River Bend Nuclear Power Plant*, Date to be determined, St. Francisville, LA. The Subcommittee will review the application of the Gulf States Utilities for an operating license.

ACRS Full Committee Meeting

March 15-17, 1984: Items are *tentatively* scheduled.

*A. *NRC Enforcement Policy*—Proposed revised general statement of policy and procedure for enforcement actions.

*B. *Proposed Containment Guidelines*—Proposed NRC Task Action Plan, Containment Performance Guidelines.

*C. *Quality Assurance/Quality Control*—Proposed NRC initiatives to response to Public Law 97-415.

*D. *Consideration of Severe Accidents*—Proposed NRC severe accident policy statement.

*E. *Braidwood Station Units 1 and 2*—Proposed operating license for this station.

*F. *NRC Office of State Programs*—Briefing regarding the activities of the NRC Office of State Programs.

*G. *BWR System Integrity*—Report by NRC Staff regarding status of NRC activities regarding pipe cracking in BWR cooling systems.

*H. *Meeting with NRC Commissioners* (tentative)—Topics to be identified.

*I. *Maintenance Practices and Procedures*—Briefing regarding foreign and U.S. maintenance policies and practices.

*J. *Differing Professional Opinion*—Differing professional opinion of Mr. R. B. A. Licciardo regarding the Westinghouse design Safety Parameter Display System.

*K. *ACRS Subcommittee Activities*—Reports of designated ACRS subcommittees regarding ongoing activities including seismic qualification of safety related equipment, and emergency planning at TMI–1.

April 5–7, 1984—Agenda to be announced.

May 10–12, 1984—Agenda to be announced.

Dated: February 15, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–4557 Filed 2–17–84; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Qualification Program for Safety-Related Equipment; Date Change

The ACRS Subcommittee on Qualification Program for Safety-Related Equipment scheduled for February 22, 1984 has been changed to Wednesday, February 29, 1984, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review the status of Generic Issue A–46, "Seismic Qualification of Equipment for Operating Reactors" and review details of the NRC Electrical Equipment Qualification and Plant Aging Research Programs.

All other items regarding this meeting remain the same as announced in the Federal Register published Tuesday, February 7, 1984 (49 FR 4569).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 14, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–4555 Filed 2–17–84; 8:45 am]

BILLING CODE 7590–01–M

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: Extension.
2. The title of the information collection: 10 CFR Part 31—General Domestic Licenses for Byproduct Material.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Reports are submitted as events occur. Registration Certificates may be submitted at any time. Changes to the information on the Registration certificate are submitted as they occur.
5. Who will be required or asked to report: All persons desiring to own byproduct material and persons desiring to possess byproduct material in certain items.
6. An estimate of the number of responses: 653.
7. An estimate of the total number of hours needed to complete the requirement or request: 799.
8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.
9. Abstract: 10 CFR Part 31 establishes general licenses for the possession and use of byproduct material in certain items and a general license for ownership of byproduct material.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 14th day of February 1984.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84–4550 Filed 2–17–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–348]

Alabama Power Co.; Granting of Relief From ASME Code Requirements

The U.S Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to the Alabama Power Company, which revised the inservice inspection program for the Joseph M. Farley Nuclear Plant, Unit No. 1, located in Houston County, Alabama. The ASME Code requirements are incorporated by reference into the Commission's Rules and Regulations in 10 CFR Part 50. The relief is effective as of February 10, 1984.

This action provides additional reliefs from that granted on September 22, 1983, from performing volumetric, surface and visual examinations of the welds on certain class 1, 2 and 3 piping and components and certain hydrostatic pressure tests. Alternate examinations and tests have been proposed and accepted.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and accompanying Safety Evaluation.

The Commission has determined that the granting of this relief 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.

For further details with respect to this action, see (1) the letters from Alabama Power Company dated January 28, 1983 and January 23, 1984, (2) the letter to Alabama Power Company dated February 10, 1984, (3) the Commission's

related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 3603. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February 1984.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors, Branch No. 1, Division of Licensing.

[FR Doc. 84-4546 Filed 2-17-84; 8:45]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Co., and Oglethorpe Power Corp., Municipal Electric Authority of Georgia; City of Dalton, Georgia, Issuance of Amendments to Construction Permits

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Construction Permit No. CPPR-108 and Amendment No. 4 to Construction Permit No. CPPR-109. The amendments authorize transfer of an additional 5% ownership interest in the facilities from Georgia Power Company to the Municipal Electric Authority of Georgia. Georgia Power Company has sole responsibility for design, construction, and operation of the facilities, which are located in Burke County, Georgia. The amendments are effective as of the date of issuance.

The ownership interests of the applicants are now as follows:

Owner	Shares (percent)
Georgia Power Company	45.7
Oglethorpe Power Corporation	30.0
Municipal Electric Authority of Georgia	22.7
City of Dalton, Georgia	1.6

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to the action, see (1) the application for amendments dated October 14, 1983, (2) Amendments No. 4 to Construction Permit Nos. CPPR-108 and CPPR-109, (3) and the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Burke County Public Library, Fourth Street, Waynesboro, Georgia 30830. In addition, a copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 13th day of February 1984.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4 Division of Licensing.

[FR Doc. 84-4547 Filed 2-17-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas and Electric Co.; Diablo Canyon Nuclear Power Plant, Unit 1, Exemption

I

The Pacific Gas & Electric Company (the licensee) is the holder of Facility Operating License No. DPR-76 (the license), dated September 22, 1981, which authorizes fuel loading and operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo County, California, at five percent power (166.9 megawatts thermal).[1] This 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 50.7(e)(3)(i) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later. The above regulation would have required submittal of the UFSAR for Diablo Canyon Unit 1 by September 22, 1983.

Accordingly, by letters dated August 23, 1983 and December 9, 1983, Pacific Gas & Electric Company requested a temporary exemption from the requirements of § 50.71(e)(3)(i) of 10 CFR Part 50 because the required submittal date falls near the expected completion of the Design Verification Program. Because of the continuing delays in the completion of the Design Verification efforts, the licensee requested that the submittal date of the Diablo Unit 1 UFSAR be extended approximately one year beyond the regulation filing date. This would permit the UFSAR to more accurately reflect the design of the unit after completion of the Design Verification Program. In addition, the licensee will document in the UFSAR all safety evaluations performed by the licensee in support of its conclusion in requested license amendments that the changes did not involve an unreviewed safety question or safety evalution. The staff's evalution of the activities associated with the Design Verification Program is presented in Supplements 18, 19 and 20 to the staff's Safety Evaluation Report (SER) for Diablo Canyon (NUREG-0675). The staff has reviewed the licensee's request for an extension of the date for submitting the UFSAR and has concluded that issuance of this exemption will have no effect on plant safety. Further, this action will not endanger life and property and good cause has been shown to support the exemption. Therefore, a one year exemption from the date of compliance is acceptable.

III

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 from compliance with the September 22, 1983, date for submitting an UFSAR:

A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed by September 22, 1984. This revision shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the revision. Subsequent revisions shall be filed annually and shall be in compliance with § 50.71(e) of 10 CFR Part 50.

The NRC staff has 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.

Dated at Bethesda, Maryland, this 12th day of February 1984.

[1] On November 19, 1981, the Commission suspended the license pending satisfactory completion of a Design Verification Program.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-4548 Filed 2-17-84; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0800]

"Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants", Issuance and Availability for Comment; Proposed Revision 6 to SRP Section 6.2.1.1.C, NUREG-0978, "Mark III LOCA-Related Hydrodynamic Load Definition and Regulation Analysis"

The U.S. Nuclear Regulatory Commission (NRC) has published proposed revision 6 to Section 6.2.1.1.C, "Pressure-Suppression Type BWR Containments" of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," LWR Edition (SRP).

The proposed revision consists of SRP Section 6.2.1.1.C, Rev. 6; the supporting Regulatory (value/impact) Analysis; and the technical document NUREG-0978, "Mark III LOCA related Hydrodynamic Load Definition". This revision incorporates the resolution of generic issue B-10, "Behavior of Mark III Containments." The guidelines/acceptance criteria incorporated into the SRP section are detailed in Appendix C to NUREG-0978 and implementation guidelines for LOCA-Related Mark III Containment Pool Dynamic loads are identified in section 4 of NUREG-0978. All changes to SRP Section 6.2.1.1.C resulting from the resolution of this generic issue and a few editorial changes are identified by a line in the margin of the revised SRP section.

Comments are being solicited from interested organizations, groups and individuals. The staff will evaluate the comments received, and address them, as appropriate, in the final documents.

Copies of the "For Comment" documents will be available after February 24, 1984. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C., and the Commission's Local Public Document Rooms located in the vicinity of nuclear power plants. Addresses of these Local Public Document Rooms can be obtained from the Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7536.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 1, 1984.

Dated at Bethesda, Maryland, this 13th day of February 1984.

For the Nuclear Regulatory Commission.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-4551 Filed 2-17-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No: 040-00299, License No: SUA-648, EA 83-108]

Union Carbide Corp.; Order Imposing Civil Monetary Penalties

I

Union Carbide Corporation, Metals Division, P.O. Box 1029, Grand Junction, Colorado (the "licensee") is the holder of License No. SUA-648 (the "license") issued by the Nuclear Regulatory Commission (the "NRC"). License No. SUA-648 authorizes the possession of source material for milling operations of yellowcake and is due to expire January 31, 1986.

II

An inspection of the licensee's activities under its license was conducted during the period August 23-25, 1983. As a result of the inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license. The results of the inspection were discussed with licensee representatives during an enforcement conference on September 21, 1983. The licensee responded to violations discussed during this meeting in a letter dated September 26, 1983. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated November 3, 1983. This Notice stated the nature of the violations, the provisions of its license conditions which the licensee had violated, and the amount of civil penalties proposed. An answer dated December 9, 1983 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295) and 10 CFR 2.205, it is hereby ordered that: The licensee pay civil penalties in the total amount of Four Thousand Dollars within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within 30 days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of any request for hearing shall also be sent to the executive Legal Director at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, as modified by the Appendix to this Order; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, the 10th day of February 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix.—Evaluations and Conclusions

For each violation identified in the Notice of Violation (dated November 3, 1983) the original violation is restated and the NRC's evaluation and conclusion regarding the licensee's response (in letters dated September 26,

1983 and December 9, 1983) to each item is presented.

Item 1

Statement of Violation

License Condition 22 requires either hourly checks to verify operation of the yellowcake dryer scrubber or use of an audible alarm to signal system failure. Use of an audible alarm requires that its function be checked daily.

Contrary to this requirement, though the licensee had chosen the option of using an audible alarm, its function had not been checked on a daily basis since August 1982.

Evaluation and Conclusion

The licensee has admitted the violation and has identified no mitigating circumstances.

Item 2

Statement of Violation

License Condition 25 requires, in part, that all radiation monitoring, sampling, and detection equipment shall be recalibrated after each repair and as recommended by the manufacturer or at least semiannually, whichever is more frequent.

Contrary to this requirement:

a. Instrumentation used to analyze radon daughter samples had not been properly calibrated since August 1982.

b. Instrumentation used to perform gamma exposure rate measurements at the mill had not been calibrated from March 1982 to February 1983.

Evaluation and Conclusion

The licensee has denied the first part of the violation on the basis that the instrumentation used to analyze radon daughter samples had been calibrated by the Mine Safety and Health Administration (MSHA) and later "checked against a low level source" by the licensee.

The NRC inspection examined the licensee's calibration records and concluded that the calibration did not meet the requirements of License Condition 25.

The calibration by MSHA was performed at a level more than 200 times that of the ambient radon levels to be measured by the device. Thus, this calibration did not demonstrate the instrument's accuracy in the lower ranges for which it was used. The licensee's "check" of its radon instrumentation against a low level source is not considered adequate to meet the requirements of License Condition 25 since a check of an instrument is not as extensive as a calibration.

The licensee has admitted the remainder of the violation regarding failure to calibrate gamma exposure rate instrumentation and has identified no mitigating circumstances. Therefore, the information presented does not provide an adequate basis for modification or withdrawal of this violation.

Item 3

Statement of Violation

License Condition 30 requires, in part, that written procedures shall be established for nonoperational activities to include in-plant and environmental monitoring, bioassay analysis, and instrument calibrations. All written procedures shall be reviewed and approved in writing by the radiation safety officer before implementation and whenever a change in procedure is proposed.

Contrary to these requirements:

a. Procedures had not been established for the following activities:

(1) Determination of exposure of uranium mill workers to airborne radionuclides.

(2) Conversion of fixed alpha contamination survey data to units of measurement specified in License Annex A.

(3) Administrative control and frequency specification for instrument calibration.

(4) Laboratory fluorometry operations including calibration standard preparation, and sample dilution.

b. Written procedures had not been approved in writing by the radiation safety officer.

Evaluation and Conclusion

The licensee has admitted all but a small portion of this violation. The licensee contests the NRC claim that procedures had not been established for laboratory fluorometry operations including calibration standard preparation, and sample dilution. NRC agrees that the licensee had some guidance on laboratory fluorometry operations, but this guidance was inadequate concerning calibration standard preparation and sample dilution because, as the licensee admits in its response, the guidance was "difficult to read and interpret." Therefore, it did not meet the license requirements.

The NRC considers this a valid violation and does not consider the licensee's response to provide a basis for withdrawal of this violation.

Item 4

Statement of Violation

License Condition 31 requires, in part, that administrative offices shall be surveyed for surface contamination and that survey results shall be compared with limits specified in License Annex A. License Annex A specifies limits for both fixed and removable contamination.

Contrary to this requirements, surveys for fixed contamination had not been performed in administrative offices since August 1982.

Evaluation and Conclusion

The licensee has admitted the violation and has identified no mitigating circumstances.

Item 5

Statement of Violation

License Condition 42(i) issued June 30, 1982, requires, in part, that the licensee shall submit by May 1, 1983, for review and approval in the form of a license amendment, a detailed plan for: (1) a lined evaporation pond for use in seepage and surface water collection, and (2) the collection and rerouting of such water seepage to the mill circuit.

Contrary to this requirement, a plan had not been submitted at the time of the inspection on August 23, 1983.

Evaluation and Conclusion

The licensee has admitted the violation and has identified no mitigating circumstances.

Item 6

Statement of Violation

License Condition 53(d) requires that slurry transport lines and lines from the A–9 pit shall be examined monthly using an ultrasonic device at locations where a rupture of the pipe could be expected to affect the stability of an embankment.

Contrary to this requirement, only one examination was performed since February 1983.

Evaluation and Conclusion

The licensee has admitted the violation and has identified no mitigating circumstances.

Item 7

Statement of Violation

License Condition 56 requires, in part, that the licensee shall implement the environmental monitoring program summarized in Table 6.9 of the Final Environmental Statement related to the Operation of Gas Hills Uranium Projects (NUREG–0702) and shall provide at least

semiannual documented management audits to determine the adequacy of program implementation.

Contrary to this requirement:

a. Although Table 6.9 stipulates that the yellowcake effluent stack shall be sampled quarterly, this stack was sampled only twice during 1982.

b. Semiannual audits have not been performed since August 1982.

Evaluation and Conclusion

The licensee has admitted that it did not conduct the required number of samples and audits in 1982, but asserted that it had conducted the required semiannual audit in 1983. Because of the licensee's admitted failure to comply with the requirements in 1982, a violation of the requirement did occur.

Item 8

Statement of Violation

License Condition 38 requires, in part, that results of semiannual fire drills, including remedial actions, shall be documented.

Contrary to this requirement, results of drills conducted during August 1982 and March 1983 were not documented.

Evaluation and Conclusion

The licensee has admitted the violation and has identified no mitigating corrective action.

Evaluation and Conclusion With Respect to Licensee's Request for Mitigation of the Proposed Civil Penalty

The licensee's response to the eight violations above does not provide a sufficient basis for mitigation of the proposed penalty. In fact, UCC has admitted that all or part of the above mentioned violations occurred, and except for a portion of one violation, the NRC believes that the remainder of the violations occurred as originally stated.

In seeking mitigation or remission of the proposed penalty, the licensee asks that the violations be reclassified as Severity Level IV or V violations. In the licensee's view, the violations do not indicate a breakdown in management's oversight and control of licensed activities and, hence, do not warrant the classification in the aggregate as a Severity Level III problem. As further bases for mitigation, the licensee points to the fact that it initiated corrective actions for the violations and argues that it would have detected the violations during future audits.

If they were viewed in isolation, the violations might well be classified individually at Severity Level IV or V under the enforcement policy. However, the number of violations and the length of time over which they occurred suggest that programmatic deficiencies exist in Union Carbide's implementation of its radiation protection program. The nature, number, and duration of the violations warrant categorization in the aggregate as a Severity Level III problem.

The licensee's claim that it would have detected a number of the violations during future audits is speculative at best. In point of fact, the licensee's audit program did not detect the violations identified in the Notice of Violation. While the enforcement policy permits mitigation of civil penalties for self-identification and prompt reporting of violations by licensees, mitigation is not appropriate here for the possibility that the licensee might have discovered some of the violations on its own.

The staff acknowledges that the licensee has taken corrective action for the violations. However, corrective action is always required to correct violations. In this instance, the licensee's corrective actions were not unusually prompt and extensive, but are only those that the NRC would expect the licensee to take.

Conclusion

The licensee has not provided an adequate basis for mitigation of the proposed civil penalty. Accordingly, the civil penalty remains at Four Thousand Dollars.

[FR Doc. 84-4549 Filed 2-17-84; 8:45 am]
BILLION CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-20645; File No. SR-PSE-84-03]

Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange Inc., Relating to Options Allocation Plan

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 2, 1984, the Pacific Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items 1, 11 and 111 below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") proposes to amend the agreement previously entered into by the options exchanges and approved by the Securities and Exchange Commission ("SEC") on May 30, 1980 (see SEC Release No. 34-16863), and as amended on June 1, 1981 (see SEC Release No. 34-17833) and February 2, 1982 (see SEC Release No. 34-18464), establishing procedures for the selection and replacement of underlying securities for options trading. This agreement is also referred to as the "Allocation Plan". The American Stock Exchange, Inc., ("AMEX") the Chicago Board Options Exchange, ("CBOE"), the PSE and the Philadelphia Stock Exchange ("PHLX") have agreed to adopt similar amendments to the Allocation Plan to implement a new random selection system for options lotteries. The Amex and the Phlx filed their amendments with the Commission on January 16, 1984 and February 1, 1984, respectively.

The text of the proposed amendments to the Allocation Plan is set forth below. Italics indicate new language; brackets indicate deleted language.

A. through E.—No change.

F. At any time after the initial allocation, further allocations shall be held at the request of one or more options exchanges, [continuing the sequence described in A.5] whereby the four participating options exchanges would be able to select any unallocated eligible underlying stock [including new underlying stock becoming eligible for options trading by the occurrence of events or because an options exchange that had previously been allocated an underlying stock failed to commerce the trading of options with respect thereto within six months of the date of selection] under the procedures set forth as follows:

1. No change.

2. Each of the exchanges shall have 30 calendar days from the date of notification of a call for an allocation to provide the arbitrator with a list of desired underlying securities. Such list may not be changed once submitted to the arbitrator. Once the arbitrator has received lists from all the exchanges, he shall thereafter *(i)* serve copies of the selection lists on each of the exchanges *and (ii) establish the sequence for making stock selections, using the procedure set forth in Paragraph 2.A below, and deliver notice to each of the exchanges* so that all exchanges receive *both* the *selection* lists *and selection sequence* on the same date.

2.A. For each allocation, the arbitrator, using the following procedure, shall establish the sequence for making stock selections by randomly

matching a letter A through D with each of the four exchanges and using the order established below for up to four rounds. At the allocation, selection of eligible securities will then proceed in accordance with such order. If there are to be more than four rounds in an allocation, the arbitrator shall repeat the procedure, randomly matching the four letters to the four exchanges a second time to establish the selection order for rounds five through eight, and so on, depending on the number of rounds called for by the allocation. The selection order is as follows:

Round	Selection order
1	A B C D
2	D C B A
3	C D A B
4	B A D C

3. through 9. change.

G. through I. No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to amend the options exchanges' Allocation Plan to establish a random order for making stock selections during an allocation. The proposed rule change is in furtherance of the Commission's request that the options exchanges create a plan that provides for the equitable allocation of new options among the options exchanges. The options exchanges have agreed to put this rule change into effect after the first allocation to take place after December 16, 1983. The proposed rule change is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"), which provides in pertinent part that the rules of the Exchange be disigned to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe this proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 10, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-4512 Filed 2-17 84: 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20643; File No. SR-PHLX-84-3]

Self-Regulatory Organization; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Adoption of a New Random Allocation Process in Connection With Options Lotteries

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on February 1, 1984, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX" or the "Exchange") proposes to amend the agreement previously entered into by the options exchanges and approved by the Securities and Exchange Commission on May 30, 1980 (see SEC Release No. 34-16863) and as amended on June 1, 1981 (see SEC Release No. 34-17833) and February 2, 1982 (see SEC Release No. 34-18464), concerning procedures for the selection and replacement of underlying securities for options trading. This agreement is also referred to as the "Allocation Plan". The "PHLX", the American Stock Exchange ("AMEX"), the Chicago Board Options Exchange ("CBOE") and the Pacific Stock Exchange ("PSE") have entered into an agreement to similarly adopt amendments concerning the use of a new random allocation process in connection with option lotteries.

The text of the proposed amendments to the Allocation Plan is set forth below. Italics indicates materials proposed to be added to the existing rules; brackets [ ] indicate material proposed to be deleted.

A. through E.—No change.

F. At any time after the initial allocation, further allocations shall be held at the request of one or more options exchanges, [continuing the sequence described in A.5] whereby the four participating options exchanges

would be able to select any unallocated eligible underlying stock [including new underlying stock becoming eligible for options trading by the occurrence of events or because an options exchange that had previously been allocated and underlying stock failed to commence the trading of options with respect thereto within six months of the date of selection] under the procedures set forth as follows:

1. No change.

2. Each of the exchanges shall have 30 calendar days from the date of notification of a call for an allocation to provide the arbitrator with a list of desired underlying securities. Such list may not be changed once submitted to the arbitrator. Once the arbitrator has received lists from all the exchanges, he shall thereafter (i) serve copies of the selection lists on each of the exchanges *and (ii) establish the sequence for making stock selections, using the procedure set forth in Paragraph 2.A below, and deliver notice to each of the exchanges* so that all exchanges receive *both* the *selection* lists *and selection sequence* on the same date. *2.A. For each allocation, the arbitrator, using the following procedure, shall establish the sequence for making stock selections by randomly matching a letter A through D with each of the four exchanges and using the order established below for up to four rounds. At the allocation, selection of eligible securities will then proceed in accordance with such order. If there are to be more than four rounds in an allocation, the arbitrator shall repeat the procedure, randomly matching the four letters to the four exchanges a second time to establish the selection order for rounds five through eight, and so on, depending on the number of rounds called for by the allocation. The selection order is as follows:*

Round	Selection order
1	A B C D
2	D C B A
3	C D A B
4	B A D C

3. through 9. No change.

G. through I. No change.

II. Self-Regulatory Organization's Statment of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to amend the options exchanges' Allocation Plan to establish a random order for making stock selections during an allocation. The proposed rule change is in furtherance of the Commission's request that the options exchanges create a plan that provides for the equitable allocation of new options among the options exchanges. The options exchanges have agreed to put this rule change into effect after the first allocation to take place after December 16, 1983. The proposed rule change is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"), which provides in pertinent part that the rules of the Exchange be disigned to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe this proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 10, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-4511 Filed 2-17 84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-84-3]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before March 12, 1984.

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

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

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 13, 1984.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
22822	T.B.M., Inc	14 CFR 91.45	To extend exemption 3562, which expires June 30, 1984, to permit petitioner and its subsidiary, Butler Aircraft Co., to conduct ferry flights with one engine inoperative on their DC-6, DC-7, and DC-7B aircraft, without obtaining a special flight permit for each flight.
20049	....do	14 CFR 91.211(a)(1)	To extend exemption 2958B, which expires Apr. 30, 1984, to permit petitioner to operate DC-6 and DC-7 aircraft without a flight engineer during flightcrew training, ferry, and test flights conducted in preparation for firefighting operations under Part 137.
23876	Owens-Illinois	14 CFR Portions of Part 91	To permit petitioner to operate its G159, N900, and G1159, N902, and N903G aircraft using an FAA-approved minimum equipment list.
23841	Bates, Donald E	14 CFR 61.197	To extend the validity of petitioner's flight instructor certificate for 1 year without completion of the required biennial flight instructor course.
23857	The Soaring Society of America, Inc	14 CFR 43.9	To permit pilots to make an entry in the aircraft's records each time a different pilot reassembles the aircraft rather than each time the aircraft is reassembled.
16787	Petroleum Helicopters, Inc	14 CFR 133.1(b) and 133.45(a)(3)	To renew exemption 2534C, as amended, to permit petitioner to use for hire, certain helicopters to lower and hoist, to harbor pilots, on an external hoist, to and from ships at sea, on a test basis.
23386	Mid Pacific Airlines	14 CFR 121.371(a) and 121.378	To revise exemption 3710 to permit petitioner to also use All Nippon Airways Co., Ltd., and Air Asia Co., Ltd., FAA-certificated foreign repair stations for inspection, overhaul and repair of its YS-11 aircraft, including certain airframe accessories and appliances, subject to certain limitations.
23688	Ryan Aviation Corp	14 CFR 121.623 and 121.645	To permit petitioner to conduct flight operations under the fuel planning requirements of § 121.619 and 121.639 instead of § 121.623 and 121.645.
23077	Trinidad & Tobago Airway Corp	14 CFR Portions of Parts 21 & 91	To extend exemption 3578, which terminates June 30, 1984, to permit petitioner to operate a leased U.S.-registered L1011 aircraft using an FAA-approved minimum equipment list and continuous inspection and maintenance program subject to certain limitations.
23483	Reeder Flying Service, Inc	14 CFR 43.3(g)	To amend the name on and extend exemption 3749 to permit petitioner's certificated pilots to remove, check, and reinstall magnetic chip detector plugs installed on Allison 250 series turbine engines, aircraft transmissions, and tail rotor gearboxes of its Bell 206B helicopters, subject to certain conditions.
23884	Crescent Airfreight, Ltd	14 CFR 135.261(b)	To permit a flight crewmember to accept an assignment for duty in scheduled air freight transportation for no more than 8 hours during any 24 consecutive hours without a rest period at or before the end of that 8 hours, equal to twice the number of hours of duty aloft since the last rest period, but not less than 8 hours.
23890	Alaska International Air	14 CFR 121.343(a)	To permit petitioner to operate a B-737 aircraft leased from Pacific Western Airlines of Canada, using a flight recorder which has not been certified by the FAA.
23853	Zemke, David W	14 CFR 91.84	To grant petitioner relief from flight plan filing requirements associated with his transborder flights to and from remote sites in Canada where communications are not readily available or accessible.
23862	Tobin Surveys, Inc	14 CFR 91.109 (a) and (b)	To allow deviation from the VFR Hemispherical Rule while conducting aerial photography.
23891	Paul W. Hornack Pennsylvania State University	14 CFR 141.35(c) (4)(i) and (5)(i)	To permit petitioner to become the chief flight instructor for an FAA-approved instrument rating-airplane flight school course at the university's Park Airport, without meeting the experience requirements.
23885	Agusta Aviation	14 CFR 91.6(a)(1)	To permit petitioner to conduct IFR caterogy II approach operations in its A109 helicopter with a single pilot crewmember.
22706	Bankair, Inc	14 CFR 135.225(e)(1)	To extend exemption 3553, which expires June 30, 1984, to permit petitioner's pilots to operate from Myrtle Beach Air Force Base and Beaufort Marine Corps Air Station using takeoff visibility minimums which are less than 1 mile and are equal to or greater than the landing visibility minimums for these airfields subject to certain conditions.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23765	American Airlines	14 CFR 121.434(e)	To allow petitioner to meet 50 percent of the required operating experience for flight attendants in a simulated flight of at least 2.5 hours on a static airplane in lieu of actual aircraft operating experience. *Denied Jan. 11, 1984.*
23810	Trans World Airlines, Inc	14 CFR 91.27(a)(2)	To permit petitioner to operate its aircraft while using duplicate copies of the aircraft's registration certifications. The original certificates would be retained on file. *Denied Jan. 20, 1984.*
20853	United Air Lines, Inc	14 CFR 121.99 and 121.351(a)	To grant permanent exemption or indefinite extension of exemption 3122, as amended, which terminated Jan. 31, 1984, which permits petitioner to operate its airplanes in extended overwater operations over any airway or other approved route over the Gulf of Mexico with 1 high frequency (HF) communications radio system and 1 navigational radio system. *Partial Grant Jan. 31, 1984.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23878	Surinam Airways Ld	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate a U.S.-registered DC-8-62 airplane, N1809, utilizing an FAA-approved minimum equipment list. *Granted Feb. 7, 1984.*
21991	United Airlines	14 CFR Portions of Parts 63 and 121	To extend exemption 3463, which expires Jan. 31, 1984. This exemption grants relief by permitting petitioners, its flight engineers, and flight engineer applicants to use an FAA-approved pictorial means and an approved simulator, in lieu of an actual static airplane, for demonstrating the satisfactory performance of a preflight inspection and assigned flight engineer duties. *Granted Jan. 31, 1984.*
23074	Domar Jet Charter, Inc.	14 CFR 135.89(b)(3)	To permit petitioner to operate its Gates Learjet aircraft up to flight level 410 without either pilot being required to wear an oxygen mask as long as there are 2 pilots at the controls and each pilot has a quick-donning type of oxygen mask. *Granted Jan. 13, 1984.*
18114	The Flying Tiger Line, Inc.	14 CFR 121.547(c) and 121.583(a)	To extend exemption 2600B, which expires Jan. 31, 1984, to permit petitioner to carry a reporter, photographer, or journalist aboard its B-747 and DC-8 airplanes without complying with the passenger-carrying requirements of Part 121, subject to certain conditions and limitations. *Granted Jan. 26, 1984.*
23703	Republic Airlines, Inc.	14 CFR 63.39(b)(1)	To permit flight engineer applicants employed by petitioner to use advanced pictorial means in lieu of an actual airplane to demonstrate satisfactory performance of the preflight inspection portion of training. *Granted Jan. 16, 1984.*
23688	Aviex Jet	14 CFR 135.261(a)(2)	To allow petitioner to operate under the flight time limitations of § 121.521 (a) and (b) instead of § 135.261(a)(2). *Granted Jan. 20, 1984.*
23820	Canadian Pacific Air Lines	14 CFR 21.197	To permit petitioner to obtain a special flight permit with continuing authorization for 3 DC-10 aircraft. *Granted Jan. 27, 1984.*
23852	Northeastern International Airways, Inc.	14 CFR 121.311(f)	To permit petitioner to operate its B-727=100 airplanes with a required flight attendant occupying a mid-cabin aisle passenger seat which does not meet the airworthiness standards of 25.785(h) of the FAR's. *Granted Jan. 30, 1984.*
23796	Corporate Jets, Inc.	14 CFR 135.261(b)	To allow the petitioner to operate its helicopters in a helicopter hospital emergency medical evacuation service without complying with the duty time limitations of that section. *Granted Jan. 30, 1984.*
22436	American Airlines	14 CFR 121.99 and 121.351(a)	To extend exemption 3493, which expires Jan. 31, 1984, to permit petitioner to operate its turbojet aircraft on routes in the New York Oceanic Control Area between the east coast and Bermuda with one of its 2 installed high frequency communications systems inoperative at the time of departure and without maintaining 2-way radio communications between each aircraft and the dispatch office along the named route. *Granted Jan. 30, 1984.*
22441	United Airlines, Inc.	14 CFR Portions of Part 121, as well as Appendix F.	To amend and extend exemption 3451 which expires Feb. 1, 1984: (1) to permit petitioner to accomplish pilot-in-command proficiency check and recurrent training requirements during 1 annual session, (2) to administer the line check required by 121.440 6 months subsequent to that session; and (3) to permit tailoring proficiency checks to particular crew positions, aircraft types, and line operations. *Partial granted Jan. 21, 1984.*
NM-10	Construcciones Aeronauticas, S.A.	14 CFR 25.571(e)(2)	To permit type certification of the CASA Model CN-235 without showing that the airplane is capable of successfully completing of flight during which likely structural damage occurs as a result of propeller blade impact. *Granted Jan. 20, 1984.*
23883	Florida Express, Inc.	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified 2-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988: 3 BAC-1-11: N1548, N1545, N1544: *Granted Feb. 6, 1984.*
22703	Emerald Air, Inc.	14 CFR 91.307	To amend exemption No. 3547 to add 1 additional aircraft. The present exemption allows operation in the United States, under a service to small communities exemption, of specified 2-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988: 3 DC-9-15F: N50AF, N72AF, and N66AF; and 4 DC-9-14: N38641, N626TX, N903EA, and N931EA. *Granted Feb. 6, 1984.*

[FR Doc. 84-4475 Filed 2-17-84; 8:45 am]
BILLING CODE 4910-13-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications 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 of the exemptions granted in January 1984. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2587-P	DOT-E 2587	H. E. Everson Co., Welding Supply Inc., Grand Forks, ND.	49 CFR 173.315(a)(1)	To become a party to exemption 2587. (Mode 1.)
2587-P	DOT-E 2587	Bill Munn Supplies, Inc., Enid, OK	49 CFR 173.315(a)(1)	Do.
2732-X	DOT-E 2732	U.S. Department of Energy, Washington, DC.	49 CFR 173.65(a), 173.65(b), 173.65(c)	To authorize use of non-DOT specification containers, for transportation of high explosives. (Modes 1 and 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4108-P	DOT-E 4108	Basin Welding Supply, Inc., Odessa, TX	49 CFR 173.315(a)	To become a party to exemption 4108. (Mode 1.)
4108-P	DOT-E 4108	National Welding Supply, Inc., Batesville, AR.	49 CFR 173.315(a)	Do.
4108-P	DOT-E 4108	Natwel Supply Corp., San Antonio, TX	49 CFR 173.315(a)	Do.
4108-P	DOT-E 4108	National Welding Supply Co., Fort Worth, TX.	49 CFR 173.315(a)	Do.
4453-X	DOT-E 4453	Ireco Chemicals, Salt Lake City, UT	49 CFR 173.114a(h)(3)	To authorize use of a non-DOT specification bulk, hopper-tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Mode 1.)
4884-P	DOT-E 4884	Scientific Gas Products, Inc., South Plainfield, NJ.	49 CFR 173.302(a)(1), 175.3, 178.61	To become a party to exemption 4884. (Modes 1, 2, 3, 4, and 5.)
5022-X	DOT-E 5022	National Aeronautics and Space Administration, Washington, DC.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain class A and class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5112-X	DOT-E 5112	Austin Power Co., Cleveland, OH	49 CFR 173.62(a), 177.834(L)(1), 177.835(k).	To authorize use of specially designed kettle drum type aluminum containers, for transportation of class A explosives. (Mode 1.)
5122-X	DOT-E 5122	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize transport of a certain nonflammable compressed gas, in DOT specification 106A500X and 110A500W multi-unit tank car tanks. (Modes 1 and 2.)
5736-X	DOT-E 5736	Phillips Petroleum Co., Bartlesville, OK	49 CFR 172.101, 173.314(c)	To authorize use of non-DOT specification tank car tanks for transportation of a flammable gas. (Modes 2 and 3.)
6016-X	DOT-E 6016	Guttman Welding Supply Co., Belle Vernon, PA.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6296-X	DOT-E 6296	Rhone-Poulenc Inc., Monmouth Junction, NJ.	49 CFR 173.377(g)	To authorize additional bag packagings, for transportation of certain class B poisons in DOT specification 44D multi-wall paper bags. (Modes 1 and 2.)
6333-X	DOT-E 6333	Allied Corp., Morristown, NJ	49 CFR 173.245(a)(31), 173.263(a)(10), 173.268(b)(3), 173.272(i)(25), 178.343-1(b).	To authorize transport of certain corrosive liquids, in non-DOT specification type MC-312 glass lined cargo tanks. (Mode 1.)
6464-X	DOT-E 6464	Commonwealth Gas Co., New Bedford, MA.	49 CFR 172.101, 187.315(a)	To authorize use of non-DOT specification cargo tanks, for transportation of certain flammable gases. (Mode 1.)
6464-X	DOT-E 6464	Bay State Gas Co., Canton, MA	49 CFR 172.101, 173.315(a)	Do.
6530-X	DOT-E 6530	Messer Griesheim Industries, Valley Forge, PA.	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon, or nitrogen in DOT specification 3A, 3AA, 3AX, or 3AAX steel cylinders. (Modes 1 and 2.)
6530-X	DOT-E 6530	Union Carbide Corp., Danbury, CT	49 CFR 173.302(c)	Do.
6530-X	DOT-E 6530	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.302(c)	Do.
6538-P	DOT-E 6538	Beltronic Marking Inc., New York, NY	49 CFR 173.304(d)(3)(ii), 178.33	To become a party to exemption 6538. (Modes 1 and 3.)
6614-X	DOT-E 6614	All Pure Chemical Co., Inc., Tracy, CA	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Hasa Chemicals, Inc., Saugus, CA	49 CFR 173.263(a)(28), 173.277(a)(6)	Do.
6657-X	DOT-E 6657	Kelsey Welding Supply Corp., New Berlin, WI.	49 CFR 173.34(e)(15)(i), 175.3	To authorize use of DOT specification 3A or 3AA cylinders having an age over 35 years for transportation of certain non-liquefied compressed gases. (Modes 1, 2, 3, 4, and 5.)
6768-X	DOT-E 6768	Van De Mark Chemical Co., Inc., Lockport, NY.	49 CFR 172.101, 173.315(a)(1)	To authorize use of a non-DOT specification vacuum insulated cargo tank, for transportation of a flammable gas. (Mode 1.)
6816-X	DOT-E 6816	General Dyanmics Corp., San Diego, CA	49 CFR 173.53(p)	To authorize shipment of completely assembled liquid and solid fueled missiles in packaging prescribed in 173.57(a). (Modes 1, 2, and 3.)
7052-P	DOT-E 7052	McDonnell Douglas Corp., St. Louis, MO	49 CFR 172.101, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Moli Energy Ltd., Burnaby, BC	49 CFR 172.101, 175.3	Do.
7052-P	DOT-E 7052	Kearney & Trecker Corp	49 CFR 172.101, 175.3	Do.
7062-X	DOT-E 7062	Bennett Industries, Pacoima, CA	49 CFR 173.245(a)(26), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 178.19.	To authorize variation from the specifications of a DOT specification 34 polyethylene container, for transportation of certain corrosive liquids. (Modes 1, 2, 3.)
7208-X	DOT-E 7208	National Aeronautics and Space Administration, Washington, DC.	49 CFR 172.101, 173.92, 175.3, 175.30(a)(1).	To authorize transport of class B explosives in quantities exceeding present weight limitations, and in non-DOT specification containers. (Mode 4.)
7255-X	DOT-E 7255	U.S. Department of Defense, Washington, DC.	49 CFR 146.29-45(a), 146.29-45(c)	To authorize simultaneous loading of 2 holds within the same hatch when handling military explosives. (Mode 3.)
7542-X	DOT-E 7542	U.S. Cylinders, Inc., Citronelle, AL	49 CFR 173.303(a)	To authorize manufacture, marking and sale of non-DOT specification steel cylinders, for transportation of certain flammable gases. (Modes 1 and 2.)
7549-X	DOT-E 7549	Stauffer Chemical Co., Westport, CT	49 CFR 173.245a(a), 178.245	To authorize use of a non-DOT specification 316L stainless steel portable tank, for shipment of a certain corrosive material. (Modes 1, 2, 3.)
7578-X	DOT-E 7578	U.S. Department of Defense, Washington, DC.	49 CFR 173.93(a)(10)	To authorize shipment of propellant explosive in inside viscose rayon bags, packed in DOT specification 21C fiber drums. (Mode 2.)
7657-X	DOT-E 7657	Welker Engineering Co., Sugar Land, TX	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3.	To increase the volumetric capacity of subject cylinders from 500 cc to not over 1000 cc. (Modes 1 and 4.)
7682-X	DOT-E 7682	Born Free Plastics, Inc., Gardena, CA	49 CFR 173.245(a)(26), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 178.19.	To renew and to authorize certain drum design changes. (Modes 1, 2, 3.)
7835-X	DOT-E 7835	Union Carbide Corp., Danbury, CT	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Messer Griesheim Industries, Valley Forge, PA.	49 CFR 177.848, Part 107 Appen. B(1)	Do.
7907-X	DOT-E 7907	Union Explosivos Rio, Tinto, S.A., Madrid, Spain.	49 CFR 173.127, 173.184, 178.224	To authorize shipment of wet nitrocellulose, a flammable liquid or flammable solid, in non-DOT specification fiberboard drums. (Modes 1 and 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7943-X	DOT-E 7943	Alstar Co., Tracy, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT specification 12B except for handholes in top flaps. (Mode 1.)
7943-X	DOT-E 7943	Hasa Chemicals, Inc., Saugus, CA	49 CFR 173.263(a(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	Do.
7943-X	DOT-E 7943	All Pure Chemical Co., Inc., Tracy, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	Do.
7943-X	DOT-E 7943	Georgia-Pacific Corp., Montebello, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	Do.
7946-X	DOT-E 7946	Westinghouse Electric Corp., Horseheads, NY.	49 CFR 173.306(b)(4), 175.3	To authorize use of non-DOT specification nonrefillable containers, for shipment of nonflammable gases. (Modes 1, 2, 3, 4, and 5.)
8080-X	DOT-E 8080	Diamond Shamrock Chemicals Co., Irving, TX.	49 CFR 173.164	To authorize use of true DOT specification 111A100-W1 tank cars, for shipment of chromic acid, solid. (Mode 2.)
8129-P	DOT-E 8129	Utah State University, Logan, UT	49 CFR 177.834(k), Parts 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to exemption 8129. (Mode 1.)
8129-P	DOT-E 8129	Northwestern University, Evanston, IL	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8129-P	DOT-E 8129	Waste Technology Services, Inc., Niagara Falls, NY.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8129-P	DOT-E 8129	Purdue University, West Lafayette, IN	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8129-P	DOT-E 81229	Ralston Purina Co., St. Louis, MO	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8129-P	DOT-E 8129	Ecology Chemical & Refining Co., Manor, PA.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8129-P	DOT-E 8129	The Sherwin Williams Co., Cleveland, OH	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8129-P	DOT-E 8129	General Foods Corp., Modesto, CA	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	Do.
8307-P	DOT-E 8307	U.S. Department of Defense, Dover, NJ	49 CFR 173.21, 173.247, 173.25(b), 175.3.	To become a party to exemption 8307. (Modes 1, 2, 3, and 4.)
8329-X	DOT-E 8329	Texas Instruments, Inc., Dallas, TX	49 CFR 173.266	To authorize the use of DOT specification 57 portable tanks in less than truckload quantities with other hazardous materials subject to 49 CFR 177.848. (Mode 1.)
8377-X	DOT-E 8377	Teledyne McCormick Selph, Hollister, CA	49 CFR 172.101, 173.113, 175.3	To authorize transport of devices described as detonating fuzes, class C explosives, in non-DOT specification fiberboard boxes packed in non-DOT specification strong wooden boxes. (Modes 1 and 4.)
8489-X	DOT-E 8489	FMC Corp., Philadelphia, PA	49 CFR 173.154, 173.182, 173.217, 173.245b.	To authorize shipment of trichloro-s-triazinetrione, dry, classed as an oxidizer as an additional commodity. (Modes 1, 2, and 3.)
8526-P	DOT-E 8526	North Star Transport, Inc. Thief River Falls, MN.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526. (Mode 1.)
8685-X	DOT-E 8685	Hercules, Inc., Wilmington, DE	49 CFR 173.182(b)(6)(ii)	To authorize shipment of ammonium nitrate fertilizer (prills) in non-DOT specification collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2,240 pounds each. (Modes 1, 2, and 3.)
8708-X	DOT-E 8708	Trical, Inc., Morgan Hill, CA	49 CFR 173.357(b)(2)	To authorize use of non-DOT specification steel drums (overpacked, palletized, and containerized), for shipment of a class B poison. (Modes 1 and 3.)
8795-X	DOT-E 8795	The Marison Co., South Elgin, IL	49 CFR 173.302(a), 173.304(a), 173.305(a), 175.3, 178.55.	To amend exemption to allow increase in volumetric capacity of the cylinder, to authorize additional materials of construction, to modify test requirements, and to authorize additional compressed gases. (Modes 1, 2, 3, 4, and 5.)
8843-P	DOT-E 8843	Owen Oil Tools, Inc. (formerly Chem-Cut Co.), Fort Worth, TX.	49 CFR 173.246, 175.3	To become a party to exemption 8843. (Modes 1, 2, 3, and 4.)
9104-X	DOT-E 9104	Chemical Waste Management, Inc., Oak Brook, IL.	49 CFR 172.203(c), (k), Part 173, Subpart D, Subparts E, F, H.	To authorize 1-time movements of non-DOT specification packages to disposal facilities, and exception to listing hazardous substances constituents or poisonous materials constituents on shipping papers. (Mode 1.)
9158-X	DOT-E 9158	National Beryllia Corp., Haskell, NJ	49 CFR 173.365	To authorize shipment of solid waste materials contaminated with beryllium oxide, in a non-DOT specification roll-on, roll-off, bulk container. (Mode 1.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of Exemption thereof
8985-N	DOT-E 8985	Clover Aero, Inc., Friendswood, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain class A, B, and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
9060-N	DOT-E 9060	CVI Inc., Columbus, OH	49 CFR 173.315(a)(1)	To authorize manufacture, marking, and sale of non-DOT specification super insulated portable tanks, for shipment of nonflammable gas. (Modes 1 and 3.)
9110-N	DOT-E 9110	Occidental Chemical Corp. Niagara Falls NY.	49 CFR 173.163	To authorize shipment of sodium chlorate, in non-DOT specification collapsible polyethylene-lined, woven polypropylene bags. (Modes 1, 2, and 3.)
9144-N	DOT-E 9144	Cajun Bag & Supply Co., Crowley, LA	49 CFR 173.154, 173.182, 173.245b	To authorize manufacture, marking, and sale of large, non-DOT specification collapsible polyethylene-lined woven polypropylene bulk bags, having a capacity of approximately 2,000 pounds each, for shipment of oxidizers and corrosive solids. (Modes 1 and 2.)
9147-N	DOT-E 9147	Columbia Nitrogen Corp., Augusta, GA	49 CFR 172.301	To authorize shipment of ammonium nitrate fertilizer in multi-wall paper bags without identification number displayed on the bags. (Modes 1 and 2.)
9150-N	DOT-E 9150	Hoover Universal, Inc., Beatrice, NE	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking, and sale of non-DOT specification rotationally molded, cross-linked polyethylene portable tanks with bottom outlet, for shipment of corrosive and flammable liquids or an oxidizer. (Modes 1, 2, and 3.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of Exemption thereof
9170-N	DOT-E 9170	Davison Transport Co., Inc., Ruston, LA	49 CFR 173.245, 178.340-10, 178.340-8, 178.341-3, 178.341-4, 178.341-5, 178.341-7.	To authorize use of non-DOT specification cargo tanks, for transportation of a corrosive liquid. (Mode 1.)
9181-N	DOT-E 9181	Honeywell Inc., Horsham, PA	49 CFR 173.206, 173.21, 173.247	To authorize transport of lithium metal and a thionyl chloride solution in the same non-DOT specification stainless steel vessel. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6637-P	DOT-E 6637	Myers Drum Co., Oakland, CA	49 CFR 173.119(a), 173.119(b), 173.119(m), 173.221, 173.245(a)(26), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.276(a)(10), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346(a), 173.357(b), 173.358(a), 173.359(a), 173.359(b), 178.19.	To become a party to exemption 6637. (Modes 1, 2, and 3.)
EE 6787-P	DOT-E 6787	....do	49 CFR 173.119(a), 173.119(b), 173.119(m), 173.221, 173.245, 173.346(a), 173.357(b), 173.358(a), 173.359(a), 173.359(b).	To become a party to exemption 6787. (Modes 1, 2, and 3.)
EE 7011-P	DOT-E 7011	....do	49 CFR 173.239(a), 173.245b(a)(6)	To become a party to exemption 7011. (Modes 1, 2, and 3.)
EE 9188-N	DOT-E 9188	B. J. Alan Co., Inc., Columbiana, OH	49 CFR 173.51(b), 173.86, Part 171-178	To authorize a 1-time shipment of fireworks (tentative class B explosives). (Mode 1.)
EE 9189-N	DOT-E 9189	Lomaz Financial Corp., d.b.a. Midwest Fireworks Manufacturing, Deerfield, OH.	49 CFR 173.51(b), 173.86, Part 171-178	Do.
EE 9199-N	DOT-E 9199	Cape Fear Tank Co., Inc., Wilmington, NC.	49 CFR 173.34, Part 107, Appendix B	To authorize the repair or rebuilding of DOT specification 4 series cylinders by a method other than as prescribed. (Modes 1 and 2.)
EE 9202-N	DOT-E 9202	Red Rocket Fireworks Co., Inc., Ponchatoula, LA.	49 CFR 173.51(b), 173.86, Parts 171-178	To authorize a 1-time shipment of fireworks (tentative class B explosives). (Mode 1.)
EE 9203-N	DOT-E 9203	Monsanto Co., St. Louis, MO	49 CFR 173.190, 173.190(b)(2)	To authorize shipment of waste phosphorus contaminated with debris, soil, and water to a disposal site. (Mode 1.)
EE 9204-N	DOT-E 9204	Red Rock Trading Co., Inc., Las Vegas, NV.	49 CFR 173.51(b), 173.86, Part 171-178	To authorize a 1-time shipment of fireworks (tentative class B explosives). (Mode 1.)
EE 9205-N	DOT-E 9205	A A Quality Fireworks Imports, Inc., Pearland, TX.	49 CFR 173.51(b), 173.86, Part 171-178	Do.
EE 9206-N	DOT-E 9206	McCall Fireworks, Inc., McAlester, OK	49 CFR 173.51(b), 173.86, Parts 171-178	Do.
EE 9207-N	DOT-E 9207	North Central Industries, Inc., Muncie, IN	49 CFR 173.51(b), 173.86, Part 171-178	Do.
EE 9219-N	DOT-E 9219	Firework West, Logan, UT	49 CFR	To authorize a 1-time shipment of fireworks (tentative for emergency shipment only). (Mode 1.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6007-X	The Boeing Co., Seattle, WA	49 CFR 173.391(b)(5), 175.3	To authorize transport of certain devices containing a greater quantity of polonium—210 that is normally authorized under the provision of 49 CFR 173.391(b). (Modes 1, 2, 3, 4, and 5.)
8531-P	E.D.C. Inc., Tulsa, OK	49 CFR 172.101, 172.406, 172.504, 173.114(j)	To become a party to exemption 8531. (Mode 1.)
9151-N	ARCO Aluminum, Terre Haute, IN	49 CFR 173.315	To authorize shipment of liquefied carbon dioxide in a 6 ton capacity non-DOT specification insulated, steel tank. (Mode 1.)

Denials

7060-P—Request by Med-Air Express, Inc. Fairfield, NJ to authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met denied January 16, 1984.

8980-N—Request by U.S. Chemical & Plastics, Canton, OH to reconsider denial of their request to authorize shipment of resin solutions classed as flammable liquids with a flash point of 89 degrees Fahrenheit to 95 degrees Fahrenheit in containers exceeding one gallon capacity without labeling and placarding denied January 9, 1984.

Issued in Washington, DC, on February 8, 1984.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-4490 Filed 2-17-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 15, 1984.

On February 15, 1984, the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 5473
Type of Review: New
Title: Return Required Under Section 6046A

OMB Number: 1545-0128
Form Number: Form 1120-L
Type of Review: Existing Collection
Title: U.S. Life Insurance Company Income Tax Return

OMB Number: 1545-0415
Form Number: Form W-4P
Type of Review: Existing Collection
Title: Withholding Certificate for Pension or Annuity Payments

Bureau of the Public Debt

OMB Number: 1535-0009
Form Number: PD 1851
Type of Review: Revision
Title: Request for Re-Issue of U.S. Bonds/Notes in Name of Trustee of Personal Trust Estate

OMB Number: 1535-0008
Form Number: PD 1938
Type of Review: Revision
Title: Request for Reissue of U.S. Savings Bonds/Notes During the Lives of Both Co-owners

OMB Number: 1535-0021
Form Number: PD 4632-1, PD 4632-2, PD 4632-3
Type of Review: Existing Collection
Title: Tenders for Treasury Bills

OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB Number: 1505-0038
Form Number: None
Type of Review: Reinstatement
Title: Maintenance of Proposed and Enacted Budgets for Public Inspection

OMB Number: 1505-0042
Form Number: None
Type of Review: Reinstatement
Title: Collection of Information Needed to Determine Compliance with Act

OMB Number: 1505-0043
Form Number: None
Type of Review: Reinstatement
Title: Requirement for Retention of Audit Work Papers and Related Audit Reports for Three Year Period

OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Cathy Thomas,

Departmental Reports Management Office.

[FR Doc. 84-4559 Filed 2-17-84; 8:45 am]
BILLING CODE 4810-25-M

Customs Service

[T.D. 84-45]

Fees Relating to Vessel Services, Container Stations, and Warehouses

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: To return to the Government the approximate costs of certain services provided by Customs officers, this document sets forth revised fees to be collected for the following services:

1. Fees to perform vessel services;
2. Fee to establish container stations; and
3. Fees to establish, alter, and relocate a warehouse facility.

The fees are being adjusted because of the January, 1984, Federal pay increase. The fees shall remain in effect until revised.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: John Holl, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

Fees to Perform Vessel Services

Public Law 95-410, the "Customs Procedural Reform and Simplification Act of 1978," approved October 3, 1978, (the "Act"), repealed sections 2654, 4381, 4382, and 4383 of the Revised Statutes of the United States (19 U.S.C. 58; 46 U.S.C. 329, 330, and 333), the statutory authority under which Customs had been charging and collecting fees for specific services provided to vessels by Customs officers.

Because these "Navigation Fees," which are set forth in § 4.98(a), Customs Regulations (19 CFR 4.98(a)), did not cover the costs of providing the services, section 214 of the Act authorized the Secretary of the Treasury to establish a new schedule of fees to be charged and collected for furnishing these services. The fees are to be consistent with 31 U.S.C. 9701, which provides that the costs of specific services for private interests shall be reimbursed to the Government.

By Treasury Decision 80-25, published in the **Federal Register** on January 18, 1980 (45 FR 3570), Customs established a fee schedule to be used for 1980, and amended § 4.98(a), Customs Regulations, to provide that a revised fee schedule will be published in the **Federal Register** and Customs Bulletin in December of each year setting forth navigation fees for the specified vessel services to be performed during the following year. The revised fee schedule is to reflect changes in the rate of compensation paid to the Customs officer performing the service. The fees are to be calculated in accordance with § 24.17(d), Customs Regulations (19 CFR 24.17(d)), and based upon the amount of time the average service requires of a Customs officer in the fifth step of GS-9.

In a separate regulatory initiative, Customs will amend § 4.98(a) to remove the requirement that the revised fee schedule be published in December of each year. That requirement is too restrictive, especially since there was no Federal pay increase in October 1983. As amended, § 4.98(a) will provide that a revised free schedule will be published "periodically" and will remain in effect until changed. That is consistent with the procedure followed in the publication of a fee charged to establish a container station in accordance with T.D. 83-56 (48 FR 9853, March 9, 1983), and discussed below.

Because of the Federal pay increase effective January 8, 1984, it is necessary for Customs to revise the schedule of fees to take into account this increased cost. The hourly rate used is $15.60, thereby reflecting the change in the rate of compensation paid to a Customs officer in the fifth step of GS-9 performing the service. The fees have been rounded off to the nearest tenth of a dollar.

Action

The following revised schedule of navigation fees shall remain in effect until revised:

Fee No. and description of services	Fee
1. Entry of vessel, including American, from foreign port:	
(a) Less than 100 net tons	$7.80
(b) 100 net tons and over	15.60
2. Clearance of vessel, including American to foreign port:	
(a) Less than 100 net tons	7.80
(b) 100 net tons and over	15.60
3. Issuing permit to foreign vessel to proceed from district to district, and receiving manifest	15.60
4. Receiving manifest of foreign vessel on arrival from another district, and granting a permit to unlade	15.60
5. Receiving post entry	7.80
6. Reserved	
7. Certifying payment of tonnage tax for foreign vessels only	3.90
8. Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated	15.60

Fee To Establish Container Stations

Consistent with 31 U.S.C. 9701 (as recodified), by T.D. 83–56, Customs amended § 19.40, Customs Regulations (19 CFR 19.40), to authorize implementation of a fee schedule to establish a container station. The fee schedule is to be published in the **Federal Register** and Customs Bulletin periodically to revise the fee to reflect the increased costs to establish the container station. The fee is to be calculated in accordance with § 24.17(d), Customs Regulations. The published revised fee schedule will remain in effect until revised.

The fee charged for the service is based upon the amount of time the service requires of each Customs officer and equals the sum of the individual charges plus a charge for mileage incurred by the applicable Customs officer in using a vehicle to visit the premises to perform his or her respective task. The average mileage associated with performing the necessary tasks is 60 miles. Currently, mileage cost are reimbursed at 20.5 cents per mile.

The (1) grade and step of each Customs officer performing his or her respective service; (2) the adjusted hourly rate of pay utilized; (3) the individual charge of each respective service based on the hourly rate of pay of each Customs officer performing his or her respective service; and (4) the total fee, including mileage, for the service rendered rounded off to the nearest dollar follow:

Action—Fee To Establish a Container Station

Customs officer, grade/step	Adjusted hourly rate	Individual charge
1. Clerk, 5/5	$10.29	$51.45
2. Inspector, 11/5	18.88	264.32
3. Agent, 12/5	22.62	497.64
4. Administrator, 13/5	26.89	53.78

The mileage fee is $12.30 (60 miles × 20.5 cents). The total fee to establish a container station is $879.00 ($867.19 + 12.30, rounded off). The fee shall remain in effect until revised.

Fee To Establish, Alter, and Relocate a Warehouse Facility

By T.D. 82–204, published in the **Federal Register** on November 1, 1982 (47 FR 49355), Customs amended its regulations to implement changes relating to the control of merchandise in Customs' bonded warehouses by establishing an audit-inspection program.

As amended, § 19.5, Customs Regulations (19 CFR 19.5), provides that each warehouse proprietor will be charged a fee to establish, alter, or relocate a warehouse facility which shall be determined under 31 U.S.C. 9701. Each warehouse proprietor granted the right to operate a warehouse facility shall be charged an annual fee which shall be determined under section 555, Tariff Act of 1930, as amended, (19 U.S.C. 1555). The fees will be revised annually and published in the **Federal Register** and Customs Bulletin.

The purpose of the annual warehouse fee is to reimburse the Customs appropriation for services rendered to the warehouse community including audit, inspection, and related administrative costs, and is to be projected on the basis of the actual annual cost to Customs in the preceding year plus any Federal salary increases. The current annual fee is $650.00. Any increase in that fee will be the subject of another **Federal Register** document.

To recover the increased costs to Customs, the fees are to be calculated in accordance with § 24.17(d), Customs Regulations.

Action

The following fee schedule to establish, alter, and relocate a warehouse facility shall remain in effect until revised:

1. Establish a Bonded Warehouse—$879.00.

2. Alter an Existing Bonded Warehouse—$382.00.

3. Relocate an Existing Bonded Warehouse—$382.00.

The fees have been rounded off to the nearest dollar.

Authority

(R.S. 251, as amended (19 U.S.C. 66), section 312, 46 Stat. 692, as amended (19 U.S.C. 1312), section 551, 46 Stat. 742, as amended (19 U.S.C. 1551), section 555, 46 Stat. 743, as amended (19 U.S.C. 1555), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 22, 67 Stat. 520 (19 U.S.C. 1646a), 92 Stat. 888 (Pub. L. 95–410), 96 Stat. 1051 (31 U.S.C. 9701))

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

George C. Corcoran, Jr.,

Acting Commissioner of Customs.

Approved: January 24, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-4525 Filed 2-17-84; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

New Veterans Administration Medical Center, Palm Beach County, Florida; Intent To Prepare an Environmental Impact Statement

AGENCY: Veterans Administration.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Veterans Administration (VA) has identified the need to prepare an Environmental Impact Statement (EIS) to fulfill the requirements of section 102(2)(c) of the National Environmental Policy Act. This notice of Intent (NOI) and initiation of the Scoping Process is being issued under 40 CFR, 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Veterans Administration, 810 Vermont Avenue, N.W. Washington, D.C. 20420, (202–389–3316).

SUPPLEMENTARY INFORMATION:

1. Description of Proposed Action

The VA proposes to build a new 625 to 865 bed medical center in Palm Beach County, Florida, on a site to be acquired. A VA site investigation team has delineated an area for the new hospital which will provide the best service to area veterans. This determination was based on population statistics, distance from other VA hospitals, existing and projected traffic and transportation, availability and reserve capacity of

public infrastructure services, and other planning criteria.

The delineated area of consideration is bounded on the east by U.S. Route 1, on the south by Southern Blvd., on the west by the Florida Turnpike, and north by Donald Ross Road. These boundaries encompass an area of approximately 75 square miles. Within this area sites to be considered will be from 40 to 60 acres, easily accessible, physically developable, and near populated areas.

2. Scoping Process

The VA requests input from interested and concerned agencies and individuals for the purpose of identifying issues for consideration in the preparation of the EIS. Comments should be sent to the address previously mentioned.

3. Public and Private Participation in EIS Process

The issues and concerns identified during the scoping process will help determine the nature and extent of the impact analysis performed in the EIS. Participation of individuals, public and private organizations and local, State and Federal agencies is invited.

4. Timing

Tentative times have been established for the completion of the environmental process at the following milestones:

- Complete Scoping Process, March 1984.
- Availability of the draft EIS, December 1984.
- Availability of the final EIS, June 1985.
- Completion of the Record of Decision, August 1985.

5. Request for Copies of the Draft EIS

For placement on the mailing list to receive a Draft EIS or for other VA environmental information, please contact the Office of Environmental Affairs at the above address.

Dated: February 13, 1984.

Harry N. Walters,

Administrator.

[FR Doc. 84-4524 Filed 2-17-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 35
Tuesday, February 21, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Contents

	Items
Civil Aeronautics Board	1
Consumer Product Safety Commission	2, 3
Nuclear Regulatory Commission	4
Postal Service	5
Synthetic Fuels Corporation	6

1

CIVIL AERONAUTICS BOARD

[M-399 Amdt 2; 2/9/84]

Notice of Addition and Closure of Item to the February 9, 1984 Meeting

TIME AND DATE: 10:00 a.m., February 9, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

25. Global Assessment of United States International Issues. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary. (202) 673-5068.

[FR Doc. 84-4586 Filed 2-10-84; 10:10 am]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, February 22, 1984.

LOCATION: Third Floor Hearing Room, 1111-18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Export Policy CPSA & FHSA

The Commission will consider issues related to the export policy under the Consumer Product Safety Act and the Federal Hazardous Substances Act.

2. PPPA Exemption Request, PP 83-1

The Commission will consider a petition from Ayerst Laboratories to exempt certain conjugated estrogens and progestins from special packaging requirements under the PPPA.

(For a recorded message containing the latest agenda information: call 301-492-5709)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207, 301-492-6800.

Signed: February 9, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-4552 Filed 2-15-84; 4:32 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, February 23, 1984.

LOCATION: Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

(For a recorded message containing the latest agenda information: Call 301-492-5709)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207.

Signed: February 15, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-4553 Filed 2-15-84; 4:33 pm]

BILLING CODE 6355-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of February 20, 1984 and Monday, February 27, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Thursday, February 23

2:00 p.m.
Briefing on Advanced Reactors (Public Meeting)

Friday, February 24

10:00 a.m.
Discussion of Interaction of Earthquakes and Emergency Planning (Public Meeting)

2:30 p.m.
Discussion of Need for and Availability of Experienced Reactor Operators for Future Nuclear Power Plants (Public Meeting)

4:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Commission Policy Statement on Equipment Qualification (Tentative)
b. Financial Qualification (Tentative)
c. Earthquakes—Diablo Canyon (Tentative)

Monday, February 27

2:00 p.m.
Discussion of Staff Recommendations on DOE Siting Guidelines (Public Meeting) (Postponed from February 14)

ADDITIONAL INFORMATION: Discussion of Advance Notice of Rulemaking on Backfitting scheduled for February 16, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

February 16, 1984.

[FR Doc. 84-4674 Filed 2-16-84; 3:48 pm]

BILLING CODE 7590-01-M

5

POSTAL SERVICE BOARD OF GOVERNORS; NOTICE OF VOTE TO CLOSE MEETING

At its meeting on February 8, 1984, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting, scheduled for March 5, 1984, in Washington, D.C. The meeting will involve: (1) A discussion of possible strategies in anticipated collective bargaining negotiations, pursuant to chapter 12 of title 39 United States Code, involving parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984; and (2) consideration of an anticipated Recommended Decision of the Postal Rate Commission on E-COM rate and classification changes in Docket No. R83-1.

The meeting is expected to be attended by the following persons: Governors Babcock, Camp, McKean, Peters, Ryan, Sullivan, Voss and Waldman; Postmaster General Bolger; Deputy Postmaster General Finch; Secretary of the Board Harris; General Counsel Cox; Senior Assistant Postmasters General Coughlin and

Morris; and Counsel to the Governors Califano.

As to the first of these agenda items, the Board is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

As to the second agenda item, the Board is of the opinion that public access to the discussion would be likely to disclose information that could become involved in future rate or classification litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39, (having to do with postal ratemaking, mail classification and changes in postal services), which is specificaly exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board has determined further, that pursuant to section 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed may properly be closed to public observation, pursuant to sections 552b (c)(3), (9)(B) and (10) of title 5 and sections 410(c) (3) and (4) of title 39, United States Code, and § 7.3 (c), (i) and (j) of title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

[FR Doc. 84-4613 Filed 2-16-84; 12:34 pm]

BILLING CODE 7710-12-M

6

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ENTITY: United States Synthetic Fuels Corporation

ACTION: Notice of Continuation of Recessed Meeting.

SUMMARY: Interested member of the public are advised that a recessed portion of the meeting of the Board of Directors of the United States Synthetic Fuels Corporation closed by resolution of the Board of Directors of February 16, 1984, will be held on the date and at the time and place specified below by telephone conference call. This public announcement is made pursuant to the requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy on Public Access to Board meetings.

DATE AND TIME: February 24, 1984 at 10:00 a.m. (EST)

PLACE: 2121 K Street, NW., Room 403, Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Legal Services Group (202) 822-6336.

United States Synthetic Fuels Corporation.

Robert W. Gambino,

Group Vice President-Corporate.

[FR Doc. 84-4719 Filed 2-17-84; 8:45 am]

BILLING CODE 0000-00-M

federal register

Tuesday
February 21, 1984

Part II

Department of the Interior

Bureau of Land Management

43 CFR Part 4100
Grazing Administration, Exclusive of Alaska; Final Rulemaking

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

[Circular No. 2541]

Grazing Administration, Exclusive of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends the regulations for the management of grazing on the public lands under the jurisdiction of the Bureau of Land Management. These regulations were issued by the Department of the Interior as proposed rulemaking and published in the **Federal Register** on May 13, 1983 (48 FR 21820) with an initial public comment period of 60 days. At the request of commenters, this period was extended an additional 30 days ending on August 11, 1983. One hundred fifty-six comments were received and considered during the development of this final rulemaking. These final regulations revise the regulations in 43 CFR Part 4100 by eliminating redundant items, clarifying existing language and terms, and reorganizing the regulations for easier understanding.

EFFECTIVE DATE: March 22, 1984.

ADDRESS: Assistant Director for Renewable Resources (220), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Alexander (202) 653–9210; or Mr. Richard Miller (202) 343–8735.

SUPPLEMENTARY INFORMATION: A **Federal Register** Notice was published on December 16, 1982 requesting comments from the public concerning the Bureau of Land Management's grazing regulations in 43 CFR Part 4100. Comments received were considered during the development of the proposed regulations which were published in the **Federal Register** on May 13, 1983 (48 FR 22081).

Comments received on the proposed regulations have been reviewed by the Department of Interior and carefully considered in developing the final rulemaking. Discussion of the comments is divided into two parts: the first deals with general comments on the proposed regulations and the second specifically addresses points or issues raised by commenters on individual sections of the regulations.

General

One hundred fifty-six letters of comment were received during the public comment period. Most of the public comments opposed the proposed regulations. Generally, comments opposing the regulations expressed the view that the proposed regulations would diminish the ability of the Bureau of Land Management to manage domestic livestock grazing on the public lands within a framework of multiple use management and sustained yield as mandated by the Taylor Grazing Act and the Federal Land Policy and Management Act of 1976. Many comments also interpreted the proposed regulations as limiting the opportunity for public input regarding grazing management decisions.

Some comments supported the proposed changes, generally expressing the view that they streamlined the regulations and made them easier to understand. A major objective was to remove redundant material from this section of title 43. Material which relates to internal operational procedures has been removed and is or will be incorporated into Bureau of Land Management Manuals, handbooks, and other internal directives. The preamble to these final regulations indicates where material has been removed and has been or will be placed in the BLM Manual.

Other comments expressed concern about modification of definitions by the proposed rulemaking and suggested that these and other changes proposed were not sufficiently addressed in the preamble to the proposed regulations.

Most comments opposing the proposed regulations were directed to five principal areas. These areas are addressed briefly in this general section as well as in the section on specific comments received on the proposed rulemaking:

1. Deletion of the provision in § 4120.2–1 of the existing regulations that authorized livestock use shall not exceed the livestock grazing capacity. The removal of the language that prohibited exceeding the level of grazing capacity was interpreted by many commenters as meaning that the Bureau would no longer require livestock grazing to be limited to the grazing capacity. This was not the intent of the proposal. Specific language is included in § 4130.6–1—Mandatory terms and conditions—to reflect the policy that authorized livestock grazing will not exceed the grazing capacity.

2. Deletion of the clause in § 4130.2(d)(3) of the present regulations by the proposed rulemaking which provides that permits and leases would be made subject to cancellation, suspension, or modification "as required by land use planning decisions". Deletion of this provision by the proposed regulations (§ 4130.6–1(b)) was perceived by many commenters as allowing existing grazing leases and permits to override land use planning decisions rather than making leases and permits subject to land use planning decisions as required by the Federal Land Policy and Management Act (FLPMA). Section 4130.6–3 in the final rulemaking retains authority to modify permits or leases to meet land use plan or management objectives.

3. Deletion of the clause in § 4140.1(b)(7) that an operator's grazing permit could be revoked if the operator violates Federal or State environmental protection laws (existing § 4140.1(b) (7) and (8) in the proposed § 4140.1(b)). Many comments expressed the view that use of the public lands for grazing is a privilege that should be revoked if a person fails to respect the laws protecting the public land and its resources. Other comments agreed with the regulation as proposed.

Section 4140.1(b)(5) of the final rulemaking modifies the language of the proposed rulemaking to include violation of the Bald Eagle Protection Act (16 U.S.C. 668) and the Endangered Species Act (16 U.S.C. 1540) as acts prohibited on the public lands which may result in cancellation of a grazing permit or lease because these acts specifically provide that authority to the Secretary.

4. Removal or modification of language in sections 4100.0–5 and 4160 that discusses affected interests other than livestock operators. Comments interpreted these changes as tending to exclude segments of the public from the decisionmaking process and limiting the right to protest and appeal decisions concerning livestock grazing on the public lands. Other comments expressed support for these sections of the proposed regulations. The final rulemaking provides for notifying affected interests concerning proposed and final decisions relating to grazing on the public lands.

5. Cooperative Management Agreements. (§ 4120.1) This proposal was interpreted by many comments as turning management of the public lands over to the livestock operator. Some comments approved the proposal, but suggested that complete discretion concerning the management of grazing should not be provided to the livestock operator under a Cooperative Management Agreement. The

Department has made changes to this section in the final regulations.

A comment suggested including a section on district grazing advisory boards to clarify their roles and functions. The final rulemaking does not include this suggestion because § 1784.6–5 of this title addresses this topic. To repeat the information would be redundant and add unnecessary length to the regulations.

Response of the Department of the Interior to Specific Comments on the Proposed Rulemaking

Section 4100.0–2 Objectives.

One comment requested modification of this section to indicate that the objective of the regulations was to provide technical and administrative services to facilitate and enhance the multiple use of the public lands.

After consideration of this comment the Department of the Interior determined that the section be revised to indicate more clearly that the objectives of the regulations are to provide for orderly use, improvement and development of public rangelands.

Section 4100.0–5 Definitions.

Many comments were received concerning the modification or deletion of definitions in the proposed regulations. Comments opposed modification of the definition of "affected interests" on the grounds that this modification would limit the participation of the general public in livestock grazing management decisions. Comments suggested that the proposed rule would circumscribe the scope of "affected interests" to include only those who have a direct interest in the livestock business. As proposed, the regulations would allow the authorized officer to determine which members of the public were affected by a grazing management decision. Comments opposed this provision, as well as the further requirement that individuals request in writing that they be considered as an affected interest. Comments contended that these requirements might possibly be subject to abuse and be unduly burdensome on the public.

After careful consideration of these comments, the Department of the Interior has modified the definition of affected interest to make it clear that it is the responsibility of individuals or organizations to communicate in writing to the authorized officer that they wish to be considered an affected interest.

The regulations in Part 4100 of this title do not affect the provisions for public participation in the development of land use plans found in § 1601.2 of this title. Any and all people and interests may participate in the development of land use plans and have the right to protest the final decision. The land use plan establishes the goals, objectives and management direction for livestock grazing of the public lands. In addition, a member of the public who has expressed concern in writing for management of livestock grazing on a specific allotment may be considered an affected interest with whom there is to be further consultation, cooperation and coordination in addition to being given copies of grazing decisions for an allotment.

Sections 4.470 and 4160.4 of this title provide that any party may protest management decisions where they are considered to be adverse.

A comment recommended that the definition of "allotment" be modified to indicate that allotments are administered for grazing of livestock. The Department of the Interior has considered this comment and has concluded that the existing language is adequate.

A comment suggested modifying the definition of "Allotment Management Plan" to focus on a particular public land allotment. Another opposed the deletion of the term "operations". The Department has determined that the proposed definition is sufficiently clear for the purposes of grazing management.

It was suggested that the use of the term "authorized officer" be deleted to avoid fragmentation of authority. The Department of the Interior has determined that it is important to retain the use of the term "authorized officer". The delegation of authority for range management decisions is not uniform among states and may change from time to time. In most cases, however, this will be the Area Manager or District Manager.

Comments suggested modifying the definition of "base property" by deleting the requirement of commensurability. However, the Department of the Interior has determined that the existing definition is more appropriate and should be retained because it requires that base property be capable of supporting livestock when they are not on the public lands.

Comments also were received concerning the definition of "Certified Actual Use". Some comments expressed the view that the livestock operator should be required to certify his/her actual use. Another suggested that certified actual use reports should be used only in cases of after-the-fact billing for grazing use. The Department of the Interior has determined that in actual practice the livestock operator certifies the accuracy of the actual use information when he or she signs the actual use form and the inclusion of the word "certified" in the heading of the report provides no additional benefit to the Bureau or to the operator. The proposed definition is adopted in this final rulemaking.

Comments were received on the proposed deletion of the definition of "class and kind of livestock". After considering these comments, the Department of the Interior has determined that although existing definitions in the regulations are consistent with commonly used definitions, confusion may exist because of previous definitions in this title. The final rulemaking retains existing definitions.

Although the definition was not proposed for modification in proposed rulemaking, comments were received concerning the definition of the terms "Consultation, cooperation and coordination". Three comments opposed modification of the existing definition while two proposed that the definition be revised to reflect equality of rank among the participants in the development of a grazing program. After careful consideration, the Department of the Interior has determined that the definition should be revised to clearly reflect the interactive nature of the process of consultation, cooperation and coordination. This change is made in the final rulemaking.

One comment suggested modification of the definition of "grazing preference" to indicate that grazing preference was a right to the privilege of grazing. This suggestion is inconsistent with the language of the Taylor Grazing Act (43 U.S.C. 315 et seq.) which specifically states that no rights are created through the granting of grazing permits or leases. The existing definition is retained in final rulemaking.

One comment opposed the deletion of the definition of "modification". The final rulemaking does not contain a definition of modification as its use in the regulations is standard and well understood.

Comments opposed deletion of the definition of the term "indigenous animal", interpreting the deletion to mean that wildlife would not be considered during the development of allotment management plans.

It is the policy of the Department of the Interior that requirements for wildlife habitat be considered during the development of land use plans and allotment management plans. The reference to indigenous animals in

subpart 4100 of this title addresses only the issuance of special grazing permits or leases for privately owned or controlled indigenous animals and does not refer to those wildlife managed by State game and fish departments or to endangered species for which the Department of the Interior has responsibility. The definition is a standard dictionary definition and therefore its inclusion in these regulations is not necessary for an understanding of the intent of the regulations.

Comments were received concerning the definition of "land use plan" and all opposed modification of this definition, interpreting the proposed new definition to mean that a land use plan was no longer a decision document. In order to clarify the distinction between grazing decisions and the land use plan, the proposal was modified in final rulemaking to indicate that the land use plan establishes coordinated management direction for all resource uses on the public lands including livestock grazing. Livestock grazing is then adjusted through decisions and agreements to be consistent with the coordinated management direction established in the land use plan.

Comments opposed the proposed definition of "livestock grazing capacity", perceiving the new definition to mean that the Bureau of Land Management would no longer develop a precise estimate of grazing capacity on public lands. Other comments supported this change.

After considering these comments, the final rulemaking adopts the proposed language. This definition of grazing capacity is more sensitive to the fact that grazing capacity is not an immutably fixed quantity, but is instead variable, subject to a number of factors, including goals, objectives, type of management, and weather conditions. It is important for the final regulations to reflect that the determination of grazing capacity will always be an estimate because such factors as the effect of weather on grazing capacity cannot be determined precisely in advance.

Comments were received concerning the definition of "monitoring" and how monitoring will be used by the Bureau. The Department of the Interior has determined that the existing definition is adequate and accurate, and the existing language is retained in the final rulemaking.

One comment suggested a modification in the definition of "range improvement" to make it more concise. The Department of the Interior has adopted this suggestion in final rulemaking.

No comments were received concerning the definition of "supplemental feed". However, in light of revisions to section 4140 in response to comments, the definition of "supplemental feed" was also modified in final rulemaking.

Comments were also received concerning the definition of "service area" and "suspended preference". After careful consideration of these comments the Department of the Interior has determined that the proposed definition of "service area" is accurate. Factors that should be considered in the determination of service area are more appropriately placed in the Bureau Manual System. The term "suspended preference" is not used in the regulations and therefore it is not needed in final rulemaking.

Comments suggested replacing the term "suspended preference" with the term "Temporary non-use" and developing a new definition. The Department of the Interior has determined that including this term is not necessary and has therefore not adopted this suggestion.

A definition of "State Director" has been included in final rulemaking.

Comments proposed adding a definition of the term "Stewardship Program". However, this term is not used in the regulations and would be confusing if added to the existing regulations. Therefore, this suggestion was not adopted.

Comments also suggested that a definition of "Cooperative Management Agreement" be incorporated into the regulations. The Department of the Interior has determined that inclusion of a definition of "Cooperative Management Agreement" would be in the public interest and has included a definition in the final regulations.

Section 4110 Allocation of Grazing Use.

A comment suggested the title "Grazing Allocation and Use" be substituted for the proposed section title, because the section dealt with more activities than allocating grazing use. After considering this suggestion, the Department of Interior has adopted a new title, "Qualifications and Preference", which more accurately describes the contents of this section.

4110.1–1 Acquired lands.

The final rulemaking has a new § 4110.1–1 Acquired lands. This section was added in response to a comment that the proposed regulations should clarify that permittees or lessees on lands acquired by the Bureau may be qualified without owning base property.

Comments suggested deleting § 4110.2–1(2)(b) on the grounds that the Bureau of Land Management has no authority to make a determination regarding the length of time the land base property is capable of supporting authorized livestock during the year. This provision has been in the regulations for many years as implementation of the mandate of Section 2 of the Taylor Grazing Act to provide for the orderly use, improvement and development of the public rangelands. The authority of the Department to make such a determination is consistent with the language of the Taylor Grazing Act. However, the Department has determined that the decision should not be made without cooperation, consultation, and coordination. The final rulemaking revises the proposal to reflect this policy.

One comment suggested modification of the title of § 4110.2–2 to delete the term "allocation". After considering the comment, the Department has decided to retain the term to avoid confusion with the title of section 4110.2.

Comments opposed modification of § 4110.2–2. One suggested revision of the section to require that both wild horses and wild burros be controlled in accordance with existing statutes and proper range management. Others expressed the view that the proposed language of § 4110.2–2(a) would prevent future allocation of forage to wildlife or other uses of the public lands. The intent of the proposed regulation was to clarify that present users will have priority over new preference applicants. The Department of Interior agrees that the new wording detracted from the original intent of the paragraph. The final rulemaking retains the existing language of the regulation.

Comments suggested modification of § 4120.2–2(c) by eliminating references to how the preference would be attached to the base property. After considering this comment, the Department has determined that the existing language is appropriate. No change has been made to the provision in the final rulemaking.

The proposed rulemaking deleted existing § 4120.1 Allotments and replaced it with a new proposed § 4120.1 Cooperative Management Agreements.

Comments opposed this proposed deletion. They expressed the view that such a designation of allotments is an important part of land use planning and is also important for informing the public of the condition of the public lands. Another comment suggested adding the requirement of consultation.

cooperation and coordination to the existing paragraph. The Department of the Interior has concluded that authority for the Bureau of Land Management to designate and adjust allotment boundaries is necessary for proper management of the public lands, and that this authority should not be confined to the land use planning process. Therefore the final rulemaking provides such authority in § 4110.2–2(d).

A comment supported the proposed language for § 4110.2–3 Transfer of Grazing Preference. Other comments suggested that § 4110.2–3(a)(3) be deleted as it amounted to the Bureau of Land Management establishing the conditions of sale for a livestock operation. The Department of Interior has determined that it is appropriate for the transferee to discuss the terms and conditions of a new permit or lease with the authorized officer. It is also appropriate for the authorized officer to modify the terms and conditions of the previous permit or lease as necessary to achieve multiple use objectives; and that these terms and conditions be binding. Therefore, the Department of the Interior has modified the proposed language adopted in the final rulemaking.

Another comment suggested that paragraph (d) of this section in the existing regulation be retained and modified and that approval of transfers be made mandatory by inserting the word "shall" in place of the word "may" in the paragraph. After considering this suggestion, the Department of Interior has determined that the language of the proposed regulation is appropriate.

Comments indicated that § 4110.2–3(f) as proposed requires that the transferee and transferor comply with regulations, while the responsibilities apply only to the transferee. In consideration of the comments, the Department of the Interior has determined that a properly executed transfer application requires that the transferor sign the application for transfer of the preference and the interest in range improvements. Therefore, this section of the proposed rulemaking has been adopted in the final rulemaking.

Other comments suggested that the authority to cancel a preference for failure to make proper application for transfer should be retained to assure that applications are timely filed. The final rulemaking provides that authority to the authorized officer.

Comments on the existing § 4110.2–4 urged retention of this section in final rulemaking (§ 4110.2–3) to protect the lienholder. However, the Department of the Interior has concluded that the interests of lienholders are adequately protected because notification of lienholders is part of the existing terms and conditions printed on the grazing permit or lease. Specific procedures for notifying lienholders are more appropriately placed in the Bureau Manual. The section has been deleted from the final rulemaking.

Section 4110.3 Changes in Available Forage.

One comment suggested revision to the introductory paragraph to require consultation, cooperation and coordination with district grazing advisory boards and permittees/lessees. The Department of Interior has determined that such a requirement would not be appropriate for the allocation of forage temporarily available because of the need for a timely decision. However, this requirement would be appropriate for forage that is permanently available. The final rulemaking modifies the proposed § 4110.3–1(c) to reflect the comment.

Other comments suggested that specific procedures be added to the regulations to provide for the allocation of additional available forage. Because of the wide variety of grazing management situations on the public lands, the Department of the Interior has determined that specific guidance should be provided through the Bureau Manual System. Because of this, existing language is retained except for reference numbers which were changed to their location in the final regulations.

A comment suggested retaining § 4110.3–1(d) and revising it to state that where monitoring over five years shows that additional forage for livestock is available the forage would be made available without a phase-in period. It has been determined that § 4110.3–3(a) provides authority to increase grazing in less than five years where agreement with affected interests can be reached. The suggestion was not adopted.

A comment suggested that the phrase "deteriorating forage condition" be added to the list of conditions which would serve to suspend grazing permits or leases in whole or in part in § 4110.3–2. This suggestion was not adopted, because forage deterioration is within the concept of natural causes as specified in this section of the existing regulations.

Several comments opposed deletion of § 4110.3–2(d)(2). They suggested that the new section did not provide for reduction in use to be implemented in less than five years when needed to sustain resource productivity. After careful review of the proposed §§ 4110.3–2 and 4110.3–3, the Department has determined that adequate authority is available for temporary resource protection under §§ 4110.3–2(a) and 4110.3–3(c). Permanent reductions to achieve multiple use objectives should be phased in over a five year period unless agreement can be reached by the parties involved (§ 4110.3–3(b)). Where resource conditions warrant an immediate significant reduction, the initial reductions made the first year may be large enough to significantly improve resource conditions and may be placed in full force and effect to stop resource deterioration (§ 4160.3). Therefore, the final rulemaking adopts the language of the proposed rulemaking.

Section 4110.3–3 Implementation of Changes in Available Forage.

In general, comments opposed this section of the proposed rulemaking expressing the view that delay in decisions may result in substantial long term damage to the resources. After careful consideration of these comments, particularly with reference to correct interpretation of 43 U.S.C. 1732(b), 43 U.S.C. 1752(d) and (e), the Department of the Interior has determined that existing policy and guidance for implementation of changes in available forage are consistent with the statutory language.

Comments also expressed the view that Rangeland Program Summary documents should be retained. The Department of Interior has determined that the procedures for preparation and distribution of Rangeland Program Summary documents found in the existing regulations at § 4110.3–3 are obsolete because of new procedures for land use planning. The requirement to prepare an environmental impact statement concerning livestock grazing is now often being met through the preparation of a Resource Management Plan (RMP) of which an environmental impact statement is an integral part.

In these situations, the summary record of decision for the RMP which follows the preparation of a completed land use plan may replace the Rangeland Program Summary. In some instances, additional summary documents relating to grazing management are prepared to supplement the record developed for the RMP. Guidelines for the development of such Rangeland Program Summary documents are more appropriately placed in the Bureau Manual. Therefore, there is no provision for mandatory development of Rangeland Program Summary documents in these final regulations.

Comments expressed concern that monitoring provisions in the proposed regulations would delay necessary reductions in grazing use on the public lands and result in needless deterioration of the forage resource.

Other comments supported the concept of monitoring as it was proposed. After consideration of these comments, the Department of the Interior has concluded that the proposed rulemaking is consistent with the existing policy of accumulating an accurate data base upon which to make long term resource use decisions which may have substantial impact on public land users. Therefore, this section is adopted in the final regulations.

One comment suggested that the authority in § 4110.3–2(b) should be applied following consultation, cooperation and coordination with district grazing advisory boards, permittees and/or lessees or when other tools are not practical or economical. The final rulemaking revised § 4110.3–3(b) to include consultation, cooperation and coordination prior to a grazing decision. The other procedures suggested are more appropriate for the Bureau Manual System.

Comments received on the proposed regulation at § 4110.3–3(c) recommended that overgrazing be included as one of the causes which would require temporary closure of allotments or portions of allotments to grazing, or to modify the grazing use. The Department of Interior has concluded that the proposed language is adequate in that the paragraph applies to unusual and unexpected circumstances and conditions on the public lands and is not limited to the example cited. Overgrazing would occur as a result if action were not taken to reduce the livestock grazing. Therefore, § 4110.3–3(c) has been adopted as proposed.

A comment suggested deleting the requirement for consultation with affected permittees prior to closure. After consideration of the comment, the Department of the Interior concluded that in situations which require closure to grazing it is important to consult those interests which are affected by such actions to assure that a united approach is taken to the emergency. The proposed language is retained in final rulemaking. Procedures to be followed regarding closures will be placed in the Bureau's Manual System.

Another comment suggested adoption of language to address periods of abundant forage on the public lands and the manner in which this forage should be allocated. This situation is treated in § 4110.3–1 of this title and need not be duplicated in § 4110.3–3(c). Additional procedures for allocation of temporary available forage will be provided by the Bureau Manual System.

One comment suggested that § 4110.4–1 Additional land acreage, be modified to require the authorized officer to coordinate with the district grazing, advisory boards prior to allocation of additional forage to qualified applicants. This suggestion was considered and it was determined that such a requirement would not be appropriate in all cases. The suggestion was not adopted in final rulemaking. More detailed instructions will be incorporated into the Bureau Manual System.

Section 4110.4–2 Decrease in land acreage.

Comments suggested that when the public lands are disposed of or devoted to another public purpose, provision be made for compensating for the cancelled permit or lease in addition to compensating for a permittee's or lessee's interest in authorized permanent range improvements on the public lands. The suggestion also provided procedures for compensation. Other comments expressed concern that the proposed language to require a 2 year notification prior to cancelling a permit or lease in whole or in part (§ 4110.4–2(b)) would create planning and financial hardships and delays in developing mineral leases or conducting other non-grazing activities. Comments also expressed the opinion that there is confusion regarding suspension versus cancellation under such circumstances.

These comments and suggestions were considered but not adopted because of inconsistency with current policy and legislative guidance. Regulations providing for a two year notification to lessees or permittees prior to cancellation of a lease or permit are in accordance with section 402(g) of the Federal Land Policy and Management Act.

Section 4120.1 Cooperative Management Agreements.

This proposed section received numerous comments which generally objected to the proposal as it was written. Comments expressed the view that as written this provision provided insufficient authority and control to the Bureau of Land Management overgrazing on the public lands. Comments also indicated that the policy of developing cooperative management agreements which had been implemented by the Bureau of Land Management had insufficient public review. Some comments suggested that the concept of a cooperative management agreement was basically sound, but that existing guidance in the regulations was not adequate. Other comments suggested that the proposed rulemaking provided incentives for livestock operators to practice better range management practices on the public lands. Other comments argued that this section of the proposed regulations was not consistent with present policy or statutory guidance.

After considering the many comments received, the Department of the Interior determined that this section of the proposed regulations should be modified to more clearly indicate the objectives and approach of the cooperative management agreement within the general framework of multiple use management. Modifications to this effect were made in the final rulemaking.

Section 4120 Grazing Management.

The proposed rulemaking deleted § 4120.2–1(b) concerning incorporation of terms and conditions for grazing into the grazing permit in situations where there is no allotment mangement plan. A comment was recommended that this section should be retained because it is needed to give the authorized officer the ability to act in a timely manner. The Department considered this suggestion and has added §4130.6–3 which clearly provides authority to modify a permit or lease if present grazing use is not meeting the objectives established for the allotment.

A number of comments were received recommending retention of § 4120.2–1(c) which was proposed for deletion. Comments recommended retention to make it clear that under the law, permits and leases are subject to land use plans and can be cancelled or modified. In the final rulemaking, § 4130.6–3 was added to provide for modification of permits and leases to meet the objectives of a land use plan or allotment.

The proposed rulemaking would have deleted § 4120.2–1(d) because § 4130.6–1 was considered to be adequate authority for modification of terms and conditions of the grazing permit. However, comments indicated that deletion of paragraph (d) could be regarded as eliminating the requirement for annual review of the terms and conditions of a permit. Comments expressed the view that an annual requirement for review was necessary and that the existing regulations made it clear that the Bureau of Land Management has the authority to review and modify permits. Since the proposed change was not discussed the preamble to the proposed rulemaking, the comment expressed the view that the change should not be made. The Bureau of Land Management regrets this

oversight in the proposed rulemaking. However, the change was made in the body of the proposed rulemaking and did receive comments. After considering these comments, the Department of Interior has added § 4140.6–3 in the final rulemaking which provides authority to modify permits or leases where present grazing use is not meeting the land use plan or management objectives. Guidance concerning frequency of review is more appropriately placed in the Bureau Manual System.

Section 4120.2 regarding development, approval and implementation of allotment management plans received a number of comments concerning proposed language which deleted the reference to prescribing a system of grazing for an allotment. They believed the proposed language indicated a weakening of the Allotment Management Plan approach to grazing management. Comments also provided alternative language concerning the inclusion of private and State lands in an allotment management plan. Comments also suggested that the authority to revise and terminate allotment management plans should be retained by the Bureau of Land Management.

After considering these comments, the Department adopted the proposed language of § 4120.2 in the final rulemaking with a modification. The introductory sentence is deleted in final rulemaking. It was determined that the sentence did not provide any additional authority or guidance to the authorized officer or to the public concerning required contents or procedures for developing allotment mangement plans.

The proposed language regarding State and private lands more accurately reflects existing policy. Each allotment management plan will be incorporated in a lease or permit (§ 4120.2(c)) and can be modified under § 4130.3–6. The Department does not regard the proposal as weakening the approach to allotment management plans. All allotments do not require systematic grazing. Therefore, a description of livestock grazing practices to be used to achieve the objectives is adequate for a quality AMP.

Several comments were received opposing § 4120.2 of the proposed rulemaking. That section noted that the proposed section did not include the provision of the existing § 4120.2–3(e) which requires submission of a Certified Actual Use Report within 15 days of completing their annual grazing use under an allotment management plan. Comments expressed the view that certified actual use should not be a discretionary item. In studying the comments, the Department has determined that authority for the authorized officer to require an actual use report is found under § 4120.6–2(d) of this title. Further authority under § 4120.2 is not required.

The existing regulation § 4120.6–1—Conditions for range improvements, was not amended in the proposed rulemaking but was renumbered as § 4120.3–1. One comment suggested that this section should be modified to indicate that the Bureau of Land Management shall require a permittee or lessee to maintain or modify range improvements located on public lands as this is consistent with existing Bureau policy. Other commenters expressed the view that the Bureau did not have authority to require maintenance of privately owned range improvements on public lands. Another comment suggested that all fences should be maintained by permittees on both sides of the fence. One comment expressed the view that under the proposed regulations, the Bureau would not require upgrading of substandard range improvements. Other comments all suggested modified wording to this section. After considering these comments, it has been determined that it is important for the Bureau of Land Management to retain its existing authority to require maintenance, modification, and removal of range improvements on public lands. Specific guidance for implementing this authority is more appropriately placed in the Bureau of Manual System.

Section 4120.3–2 Cooperative Agreements.

Several comments were received on proposed regulations in § 4120.3–2. Some comments suggested that only permittees or lessees should be allowed to construct a range improvement. Other comments suggested sharing title to non-structural non-removable range improvements to encourage private investment. Another comment suggested that language be clarified as to why the proposal deleted language referring to lessee or permittee but retained language referring to designated allotment. The final rulemaking further modifies the existing regulation by deleting reference to designated allotment but adopted the proposed language. The final rulemaking also provides that the Bureau of Land Management will retain title to non-structural non-removable range improvements. However, the interest in such range improvements by other parties will be recognized as provided for in § 4120.3–6(c).

Section 4120.3–2 Range Improvement Permits.

Comments were also received on § 4120.3–3—Range Improvement Permits. One comment suggested that the Bureau of Land Management control the use of stock ponds or wells because of their importance for wildlife habitat. Another suggested that before the authorized officer approve a range improvement permit, he or she should consult with the local district grazing advisory board. Another suggested language that would make the issuance of range improvement permits non-discretionary. After consideration of these comments, the Department of the Interior has concluded that the language of the proposed rulemaking should be incorporated in final rulemaking. Where range improvements are privately funded the range improvement permit will include design requirements and other stipulations to assure that these improvements are compatible with wildlife habitat and other multiple use management objectives.

The Department of the Interior has further determined that discretionary authority to grant permits should be retained by the authorized officer for approval of range improvements.

The suggestion to modify the regulations to require consultation with the district grazing advisory board prior to the approval of all range improvement permits would result in an unnecessary delay to the approval of an application for a permit in many cases. Because of this, the suggestion was not adopted in final rulemaking.

Section 4120.3–4 Standards, Design and Stipulations.

Several comments were received concerning § 4120.3–4. One comment opposed adoption of the proposed language, and others suggested deleting or changing the language of the proposed rule. Comments expressed the view that this section of the rulemaking may not be consistent with State standards for design of range improvements. After considering this comment, the Department of the Interior has determined that this section should be retained in final rulemaking. The Bureau of Land Management must retain authority to assure that range improvements meet the objectives of managing the public lands on a multiple use basis.

Section 4120.3–5 Assignment of Range Improvements.

Although only the numbering and placement of this section was changed by the proposed rulemaking, the section

received some comments on substantive issues. One comment suggested deleting the section, expressing the view that improvements should not be considered separately from the permit. Another suggested that they not be separated from the land. Both comments suggested that they be automatically transferred. A comment also suggested that where disagreement exists on the amount of compensation the transferor should receive from the transferee the matter should be resolved by the district grazing advisory board. The Taylor Grazing Act specifically gives the Secretary of the Interior the authority described in this section. Therefore, the existing language has been retained in final rulemaking.

Section 4120.3–6 Removal and Compensation for Range Improvements.

This section received a number of comments. Two comments suggested that language requiring the Bureau of Land Management to be notified prior to removal of range improvements be deleted where the permittee or lessee owns the improvement. This comment was not adopted because it is important that the authorized officer be aware of the proposed removal of a range improvement to assure that proper rehabilitation of the range improvement site is made and that orderly administration of the range can be accomplished without the range improvement.

Another comment suggested language which was intended to make paragraph (b) of this section more consistent with existing policy. After considering this comment, changes were made to the language of this section in the final rulemaking.

Additional comments were received on § 4120.3–6(c). One comment suggested that this paragraph should be deleted and expressed the view that private lessees who elect to assume the risk of building a range improvement on public lands should not be compensated because of a change in use of the public lands which eliminated the need for the range improvement. This provision is consistent with Section 402(h) of the Federal Land Policy and Management Act which provides specific authority to the Secretary to provide reasonable compensation to a permittee for . . . "his interest in authorized permanent improvements placed or constructed on lands covered by such permit or lease, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein." Thus, the pertinent paragraph is retained in final rulemaking.

Another comment suggested that the adjusted value of the range improvement be the fair market value less salvage value and where there is disagreement about such value, it should be set by standard appraisal methods.

Language has been adopted to clarify that the permittee or lessee has the option of compensation or salvage, but not both, for his/her interest in range improvements. Guidelines for determining how the adjusted value will be determined belong in the Bureau Manual.

A final suggestion was that, as written, this section only applies to range improvements made pursuant to a permit and that it should be amended to include range improvement projects constructed under cooperative agreements. Paragraph (c) contains no distinction between the two types of authorizations. Compensation can be made for either pursuant to these final regulations.

A comment was submitted concerning § 4120.3–6(d) which suggested permittees or lessees should be allowed one year to remove range improvements and should not be required to rehabilitate the site when the Bureau determines that the land should be devoted to another use or disposed of. This comment was not adopted in final rulemaking as the livestock operator has the option of either not removing the improvement and being compensated for the adjusted value or of salvaging the materials and rehabilitating the site. In addition, the 180 days allowed to salvage material may be extended by the authorized officer where there are extenuating circumstances on a case-by-case basis.

Section 4120.7 Cooperation in Management.

A comment was received regarding the proposed deletion of this section. The comment suggested that the paragraph should be retained but that the word "may" should replace the word "shall" where it appears. However, Section 307 of the Federal Land Policy and Management Act uses the word "may". Therefore, it would be inconsistent to use "shall". The Department has determined that the repetition of a section of the law is not needed and the section was deleted from final rulemaking.

Section 4130 Authorizing Grazing Use.

Comments directed to most of this section generally were supportive, agreeing that this reorganization of the existing regulations contributed to better understanding of the regulations.

Section 4130.1 Applications.

A comment referencing the proposed rulemaking at § 4130.1–2(d) expressed the view that the Department of the Interior did not have the authority to consider the availability of public access across privately owned or controlled land to public lands when deciding among conflicting applications for grazing use. This criterion has been utilized for many years in evaluating conflicting applications for livestock grazing authorized by the Taylor Grazing Act in order to assist in the orderly administration of the public lands. Eliminating it without providing adequate opportunity for the affected public to comment would be a major substantive change to the regulations. Therefore, the language in paragraph (d) is retained in final rulemaking.

Section 4130.2 Grazing Permits and Leases.

Some comments were opposed to the proposed deletion of § 4130.2(d)(2) that is in the existing regulations. However, the Department of Interior has concluded that it is repetitive of the proposed § 4130.2(c)(1) and this suggestion was not adopted in final rulemaking.

Numerous comments opposed the deletion of § 4130.2(d) (2), (3) and (4) that are in the present regulations from the proposed § 4130.2. The comments suggested that the sections be retained to assure that the Bureau will modify permits and leases to meet the land use plan objectives and constraints. The final rulemaking in § 4130.6–3 provides authority to modify permits and leases when grazing use is not consistent with the land use plan or management objectives.

Numerous comments suggested retaining § 4130.2(e) (1) and (3) to provide for multiple use consideration. This authority appears in § 4130.2(d) of the final rulemaking.

Section 4130.4–1 Exchange of Use Agreements.

This section was modified in the proposed rulemaking to eliminate the 10-year limit on exchange of use agreements. A comment suggested that this limitation be retained so that exchange of use agreements would receive periodic review. After carefully considering this suggestion, the Department of Interior has determined that the authority to enter into exchange-of-use agreements should not be limited by regulations. The BLM Manual is the appropriate place for guidance for the appropriate cycle of

review, modification, and renewal of exchange of use agreements.

Another comment on § 4130.4–1 suggested wording which would require the authorized officer to coordinate exchange of use agreements with state administering agencies to ensure that the Federal permit holder also holds a State grazing lease. This suggestion was not adopted by final rulemaking. Such a change would be a major substantive modification, granting considerable additional authority to the authorized officer. As a major change, it would require that it be presented as proposed rulemaking with an opportunity for public comment.

The proposed regulation deleted wording in § 4120.4(d) concerning the control of unauthorized grazing use and relocated this provision with modified language in § 4130.5(c). The existing regulation states that the authorized officer may require counting and/or additional or special marking or tagging of the authorized livestock in order to control unauthorized grazing use or in order to otherwise promote the orderly administration of the public lands. The Department of the Interior proposed to delete the words ". . . in order to control unauthorized grazing use or in order to otherwise . . ." because it was determined that language relating to control of unauthorized grazing was redundant. One comment suggested that the entire section be deleted. Another comment suggested that this section be modified to apply only under conditions of demonstrated willful trespass, arguing that as written, the requirement was a substantial burden on the livestock operator. After considering these comments, the Department of the Interior has determined that authority to require counting and/or additional or special marking or tagging of the authorized livestock should be clearly stated in these regulations. The proposal was adopted in final rulemaking.

Section 4130.6 Terms and Conditions.

In general, the comments received from non-livestock interests and others objected to this provision. Major concerns of most of the respondents focused on the proposed deletion of four paragraphs describing the terms and conditions for grazing permits and leases.

Many comments reacted negatively to the proposed deletion of the provision in the existing regulations which states that authorized livestock shall not exceed the grazing capacity. Comments interpreted the deletion of this provision as meaning that the Bureau of Land Management would no longer confine authorized grazing to the livestock grazing capacity. The Department of the Interior proposed this change to existing regulations because the language was redundant since livestock grazing capacity would be a factor to be considered in the development of objectives for an allotment. However, to clarify that it is the policy of the Department of the Interior to limit livestock use to livestock grazing capacity, the proposal was modified in the final rulemaking to retain a reference to livestock grazing capacity.

The Bureau of Land Management's approach to determining livestock grazing capacity is premised on establishing management objectives for an allotment. These objectives reflect the management direction and habitat goals which are developed in the land use plan. Following this, a monitoring program is implemented to determine the extent to which these goals and objectives are being attained under existing management and levels of use.

Based on the data yielded by the monitoring program, average livestock grazing capacity may be estimated. This capacity is the estimated average number of animal unit months of forage available for livestock grazing on a sustained yield basis within the framework of the objectives established for the allotment. The grazing capacity depends upon more factors than forage production and animal diet. Such management factors as season of use, kind and class of livestock, distribution of livestock, availability of water, periods of rest from grazing, and goals and objectives may be the controlling or limiting factors of grazing capacity. Forage production on much of the grazing land in the western United States is quite sensitive to external variables such as time and extent of rainfall, temperature, and rates of evaporative loss. These factors vary from year to year. Estimates of average grazing capacity derived through monitoring will reflect the average forage production and management practices actually applied to an allotment.

Another comment suggested that only in common use allotments would the authorized officer establish the number and kinds of livestock, periods of use, allotment to be used, and the amount of use in animal unit months. Another suggestion was to retain § 4120.2–1(b) of the existing regulations and move it to this section of the proposed rulemaking, adding the requirement for consultation with district grazing advisory boards. After considering these comments, the Department of the Interior has placed the authority found in the existing § 4120.2–1(b) in § 4130.6–3 of this final rulemaking.

Section 4130.6–2 Other terms and conditions.

A comment on § 4130.6–2(d) requested including language that indicated that actual use be certified. Another comment supported the proposal, expressing the view that it would contribute to better relationships between the Bureau of Land Management and the rancher, and would improve management of rangelands. As previously discussed, the livestock grazing operator certifies the accuracy of the information by signing the actual use form and the term need not be included in this section of the regulations. Other comments suggested extending the time for submission of actual use reports from 15 to 30 days. After consideration of all comments, the provision in the proposed regulation was adopted in final rulemaking.

One comment suggested adding a discussion of Stewardship Programs. After considering this comment, it has been determined that the provisions in § 4120.1 concerning cooperative management agreements respond to this comment.

Section 4130.7–1 Payment of Fees.

Several comments were received on this section. One comment requested that the term "certified" be included and that detailed procedures be retained. Another comment questioned eliminating publication of the Annual Grazing Fee in the **Federal Register.** After considering these comments, a provision has been added which clearly indicates that bills for grazing use are due upon issuance even under actual use procedures. Annual publication of the grazing fee in the **Federal Register** is not as cost effective as other means of disseminating this information. The grazing fee is published in local newspapers throughout the West where timely access to the **Federal Register** may be limited.

Section 4140 Prohibited Acts.

One comment suggested that prohibited acts should be limited to public lands. After consideration of the comment, the Department of the Interior has determined that these prohibited acts should apply to public lands and other lands administered by the Bureau of Land Management. Comments were received concerning the modification to the regulations concerning placement of supplemental feed (§ 4140.1(a)(3)). The comments suggested that there could be significant impact from supplemental

feeding without the Bureau of Land Management being aware and the Bureau would not have the administrative resources necessary to modify a large number of permits. After consideration of these comments, the Department has adopted the proposed provision in the final rulemaking. Authority to modify a permit or lease to prohibit supplemental feeding, especially maintenance supplemental feeding, is provided for in §§ 4130.6–3 and 4110.3–3(c). However, such actions should be based on local resource conditions and not apply bureauwide. The Bureau Manual will provide proper procedures for the authorized officer to manage supplemental feeding.

Numerous comments were received concerning the proposed deletion of §§ 4140.1 (b)(7) and (b)(8). The existing regulations state that permits or leases are subject to cancellation or suspension if a permittee or lessee violates Federal or State laws or regulations concerning conservation or protection of natural and cultural resources or the environment. These laws or regulations include but are not limited to those relating to air and water quality, protection of fish and wildlife, plants, the use of chemical toxicants, and wild horses and burros.

The comments expressed the view that livestock operators on the public lands should be required to respect and comply with other conservation laws and regulations.

After careful consideration, the Department has determined that the Bald Eagle Protection Act and the Endangered Species Act provide the Secretary with the authority to cancel a grazing permit or lease because of violations of these acts. Therefore, it is appropriate to express this authority in the regulations.

Another comment suggested that regulation requirements concerning littering be deleted. After considering this comment, it has been determined that this regulaiton is appropriate and it is retained in final rulemaking. Littering can be detrimental, potentially hazardous and affects other uses and users of the public lands.

Another comment suggested wording to clarify § 4140.1(b)(7). The final rulemaking corrected a typographical error by replacing "of" with "or". Section 4140.1(b)(8) has also been modified by removing the term "certified" to be consistent with other sections in this title.

Section 4150 Unauthorized Grazing Use.

This section received a number of comments, some supporting the proposed regulation and others expressing opposition to some of the proposed revisions. Other suggestions urged modification of the proposed language to clearly distinguish between willful and nonwillful trespass and urged a more lenient penalty for nonwillful trespass. These suggestions have been considered by the Department of the Interior and no change has been made in final rulemaking.

Section 4160 Administrative Remedies.

Numerous comments were received on the proposed § 4160 Administrative Remedies. The majority of the comments that addressed § 4160.1–1—Proposed Decisions were opposed to the proposed regulation. Comments interpreted the proposal as significantly limiting the non-livestock oriented public's ability to receive notice about public land grazing decisions and limit the opportunity to appeal decisions which would affect their interests. Comments expressed particular concern over the deletion of the paragraph requiring authorized officers to send copies of decisions to individuals who had indicated in writing that their interests may be affected by the proposed decision and the requirement that the authorized officer prepare and distribute a Rangeland Program Summary following completion of a grazing environmental statement.

After carefully considering these comments the Department of the Interior has concluded that it would be in the public interest to modify the proposed language to include affected interests in the procedures for proposed decisions about livestock grazing. However, as in the proposed rulemaking, a requirement for a Rangeland Program Summary document has not been included in final rulemaking. Guidelines for preparing a record of decision following environmental impact statements addressing livestock grazing will be included in the Bureau Manual system.

Section 4160.1–1 Proposed decisions on permits or leases.

Two comments opposed the proposed deletion of § 4160.1–1(c) of existing regulations stating that it is important that all individuals understand what procedures will be used in adjusting livestock use. After careful review of the proposal the Department of Interior has determined that procedures regarding what to include in a decision are more appropriately placed in a Manual Section or handbook rather than in regulations.

Section 4160.1–2 Proposed decisions on alleged violations.

One comment suggested that § 4160.1–2 be modified to provide 30 days for filing a protest to a proposed decision. The Department of Interior has determined that 15 days is adequate time to file a protest with the authorized officer.

Section 4160.2 Protests.

Numerous comments were received on this section. The proposal deleted the provision for including other affected interests among those who could protest a proposed decision. The comments believed that such a modification seriously limited the ability of the non lessees or permittees to participate in grazing decisions and protect their interests on the public lands. The Department of Interior has concluded that it is in the public interest to provide for protests of proposed decisions by affected interests and language is provided for this in the final regulations.

Section 4160.3 Final decisions.

Section 4160.3 received numerous adverse comments. They focused on the deletion of language to provide that the authorized officer serve his final decision on other known affected interests in addition to the protestant or his/her agent or both. The Department of Interior has considered the comments and concluded that it is in the public interest to notify other affected interests of the final decision. The final rulemaking adopted the proposal, with modifications.

Additional comments opposed the proposed language for § 4160.3(c), which provided authority for the authorized officer to place decisions in full force and effect only in an emergency. The comments expressed the view that the Bureau of Land Management should retain authority to place decisions in full force and effect for other than emergency reasons. The Department of Interior has concluded that the authority to place decisions in full force and effect should be utilized only in emergency situations to stop resource deterioration. Therefore, the proposed language is adopted in final rulemaking.

Section 4160.4 Appeals.

Numerous comments were also received on the proposed wording of § 4160.4 concerning appeals. The proposed regulation deleted the term "applicant, permittee, lessee, or any other". The comments expressed the view that the wording change would limit the public's involvement in public rangeland management. After

considering these comments, the Department has concluded that the proposal will not reduce the ability of the public to appeal because the proposed regulation allows any person whose interest is adversely affected by a final decision to appeal. Therefore, the proposed regulation is adopted in final rulemaking.

Section 4170 Penalties.

Section 4170.1–2 Failure to use.

In response to comments, language in § 4170.1–2 was revised to reflect the Department of Interior's policy of consultation, coordination and cooperation with livestock operators.

Section 4170.1–3 Balk Eagle Protection Act and Endangered Species Act.

The proposed regulation removed from the existing regulations the authority to modify, suspend, or cancel grazing permits or leases because of violations of the Bald Eagle Protection Act, the Endangered Species Act and other Federal and State conservation laws. Numerous comments were received concerning allowing violators of Federal or State environmental, conservation, or wildlife laws to retain grazing privileges on the public lands.

The comments were carefully considered and the Department of Interior has determined that authority for cancellation of a grazing permit or lease extends only to those statutes where such penalties are specifically provided. Thus, the final rulemaking states that violation of the Bald Eagle Protection Act or the Endangered Species Act is a prohibited act and prescribes penalties for violation. The Department has further decided to retain § 4170.1–3 to clearly specify when a penalty would be appropriate.

Section 4170.1–4 Cooperative Management Agreement.

A new section has been added which provides authority to cancel a Cooperative Management Agreement for violations of the terms and conditions of the agreement.

The principal author of these regulations is Robert Alexander, Division of Rangeland Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

To reduce the cost of publication in the **Federal Register**, only changes to existing regulations are provided in this notice. Following publication, copies of the complete subpart 4100 will be mailed to all lessees and permittees and will be available at BLM field offices.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291. Impacts are not expected to exceed 100 million dollars per year. Impacts are expected to affect all individuals or firms associated with livestock grazing on the public lands equally.

The Department of the Interior has further determined that this rulemaking will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Changes to the existing regulations made by these amendments will to some extent reduce the compliance burden for those individuals who hold permits or leases to graze livestock on the public lands under the jurisdiction of the Bureau of Land Management.

The information collection requirements contained in this rulemaking have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and have been assigned the following approval numbers: Cooperative Agreement for Range Improvement 1004–0068; Grazing Application 1004–0005; Range Improvement Permit 1004–0019; Exchange-of-Use Agreement 1004–0020; Grazing Preference Statement 1004–0041; Grazing Application-Preference Summary and Transfer 1004–0047; Grazing Application-Authorized Agent 1004–0049; Actual Grazing Use Record 1004–0051; and Cooperative Agreement 1004–0068.

List of Subjects in 43 CFR Part 4100

Administrative practice and procedure, Grazing lands, Livestock, Penalties, Range management.

Under the authority of the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.), The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.), Part 4100, Group 4100 Subchapter D, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: January 10, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

PART 4100—[AMENDED]

1. Section 4100.0–1 Purpose is revised to read as follows:

"§ 4100.0–1 Purpose.

The purpose is to provide uniform guidance for administration of grazing on the public lands exclusive of Alaska."

§ 4100.0–2 [Amended]

2. Section 4100.0–2 Objectives is revised by deleting all the language to the word "range" where it first appears and inserting instead:

The objectives of these regulations are orderly use, improvement and development of the public lands; enhancement of their productivity by prevention of overgrazing and soil deterioration, stabilization of the livestock industry dependent upon the public range;".

§ 4100.0–3 [Amended]

3. Section 4100.0–3 is amended by:

a. Revising paragraph (a) to read:

(a) The Taylor Grazing Act of June 28, 1934 as amended (43 U.S.C. 315, 315a–315r);

* * * * *

b. Revising paragraph (b) to read:

* * * * *

(b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.);

* * * * *

c. Revising paragraph (d) to read:

* * * * *

(d) Section 4 of the O&C Act of August 28, 1937 (43 U.S.C. 118(d); and

d. Redesignating paragraph (e) as paragraph (f) and inserting a new paragraph (e) to read:

* * * * *

(e) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

§ 4100.0–5 [Amended]

4. Section 4100.0–5 is amended by:

a. Amending the definition of affected interest to read as follows:

" 'Affected interest' means an individual or organization that has expressed in writing to the authorized officer concern for the management of livestock grazing on specific grazing allotments and who has been determined by the authorized officer to be an affected interest.' "; and

b. Amending the definition of "allotment management plan" by removing the word "document" where it appears and replacing it with the word "documented" and removing the word "operations" where it appears and replacing it with the word "grazing";

c. Amending the definition of "cancellation" by removing the word "Cancellation" where it appears and replacing it with the words "Cancelled or cancellation";

d. Amending the term "certified actual use" by removing the word "Certified";

and replacing the new term in the proper alphabetical order;

e. Removing the definition of "class of livestock" in its entirety; and replacing it with a definition to read: " 'class of livestock' means ages and/or sex groups of a kind of livestock.";

f. Amending the definition of "consultation, cooperation and coordination" by inserting a period after the word "disputes" where it appears and deleting all thereafter;

g. Removing the definition of "contiguous land" in its entirety;

h. Revising the definition of "Consultation, cooperation and coordination" to read:

" 'Consultation, cooperation and coordination' means an interactive process for seeking advice, agreement, or interchange of opinions on issues, plans, or management actions from other agencies and affected permittee(s) or lessee(s), landowners involved, the district grazing advisory boards where established, any State having lands within the area to be covered by an allotment management plan and other affected interests."

i. Inserting a definition of "Cooperative management agreement" to read:

" 'Cooperative management agreement' means a mutually agreed to plan of action embodied in an agreement between the Bureau of Land Management and a qualified applicant or operator that identifies the responsibility of the cooperative partner and performance standards applicable to the grazing operation.";

j. Revising the definition of "grazing fee year" to read:

" 'Grazing fee year' means the year, used for billing purposes, which begins on March 1, of a given year and ends on the last day of February of the following year";

k. Removing the definition of "indigenous animal" in its entirety;

l. Revising the definition of "Land use plan" to read:

" 'Land use plan' means a planning document developed in accordance with the provisions of the Federal Land Policy and Management Act which establishes coordinated management direction for resource uses on public lands."

m. Amending the definition of "livestock grazing capacity" by inserting the word "estimated" before the word "number" and by removing the phrase "on the public lands";

n. Removing the definition of "modification" in its entirety;

o. Removing the definition of "other lands under Bureau of Land Management control" in its entirety;

p. Amending the definition of "public lands" by removing the phrase "lands located on the Outer Continental Shelf" where it appears;

q. Revising the definition of "Range improvement" to read as follows:

" 'Range improvement' means authorized activities or programs which contribute to accomplishing allotment goals and objectives.";

r. Amending the definition of "service area" by removing all after the first sentence;

s. Inserting a definition of "State Director" to read as follows:

" 'State Director' means the State Director, Bureau of Land Management, or his or her authorized representative.";

t. Amending the definition of "Supplemental feed" to read as follows:

" 'Supplemental feed' means a feed which supplements the forage available from the public lands and is provided to improve livestock nutrition or rangeland management.";

u. Removing the definition of "suspended preference" in its entirety; and

v. Revising the definition of "suspension" to read:

* * * * *

" 'Suspension' means temporarily withholding, in whole or in part, a grazing preference from active grazing use. The withholding may be done voluntarily by the permittee or lessee."

* * * * *

5. Subpart 4110.

a. Subpart 4110 is revised by changing the heading to read: "Qualifications and Preference";

b. Section 4110.1 is revised by inserting the figure "4110.1–1," after the figure "§§" and before the figure "4130.3" in the first sentence and adding a new § 4110.1–1 to read as follows:

§ 4110.1–1 Acquired lands.

Where lands have been acquired by the Bureau of Land Management (BLM) through purchase, exchange, Act of Congress or Executive Order, and an agreement or the terms of the act or Executive Order provide that BLM shall honor existing grazing permits or leases, such permittees or lessees shall be considered qualified for grazing use on those acquired lands.

§ 4110.2–1 [Amended]

6. Section 4110.2–1 is amended by removing "§ 4100.0–5(g)" where it appears and replacing it with "§ 4100.0–5.".

7. Section 4110.2–1(b) is revised to read as follows:

"(b) After appropriate consultation, cooperation, and coordination, the authorized officer shall specify the length of time for which land base property shall be capable of supporting authorized livestock during the year, relative to the multiple use management objective of the public lands."

§ 4110.2–2 [Amended]

8. Section 4110.2–2 is amended by removing the "s" from the word "plans" where it appears in paragraph (a) and adding a new paragraph (d) to read as follows:

"(d) Allotments.

After consultation, cooperation and coordination, the authorized officer may designate and adjust allotment boundaries."

§ 4110.2–3 [Amended]

9. Section 41102–3 is amended by:

a. Revising paragraph 4110.2–3(a)(2) to read as follows:

"(2) The transfer applications under paragraphs (b) and (c) of this section shall evidence assignment of interest and obligation in range improvements authorized on public lands under § 4120.3 and maintained in conjunction with the transferred preference (see § 4120.3–5). The terms and conditions of the cooperative agreements and range improvement permits are binding on the transferee.";

b. Removing § 4110.2–3(d) in its entirety;

c. Redesignating § 4110.2–3(e) and 4110.2–3(f) as § 4110.2–3(d) and 4110.2–3(e), respectively; and

d. Redesignating § 4110.2–3(g) as § 4110.2–3(f) and revising it to read:

* * * * *

(f) Failure of either the transferee or the transferor to comply with the regulations of this section may result in rejection of the transfer application or cancellation of grazing preference.

§ 4110.2–4 [Removed]

10. Section 4110.2–4 is revised by removing it in its entirety.

§ 4110.3–1 [Amended]

11. Section 4110.3–1 is amended by:

a. Amending § 4110.3–1 (a) by removing the citation "§ 4130.6" where it appears and replacing it with the citation "§ 4130.1–1":

b. Amending § 4110.3–1(c) by inserting the words "After consultation, cooperation and coordination"at the beginning of the sentence; end of paragraph (c)(1); removing the word "or" at the end of paragraph (c)(2); and removing "§ 4110.5" in paragraph (c)(3) and replacing it with "§ 4130.1–1"; and

c. Removing § 4110.3–1(d) in its entirety.

§ 4110.3-2 [Amended]

12. Section 4110.3-2 is amended by:

a. Removing § 4110.3.2(c) in its entirety;

b. Removing § 4110.3-2(d) in its entirety; and

c. Removing § 4110.3-2(e) in its entirety.

13. A new section 4110.3-3 is added to read:

§ 4110.3-3 Implementation of changes in available forage.

(a) Permanent increases in the allocation of livestock forage (see 4110.3-1(b)) or suspensions of preference (see § 4110.3-2(b)) shall be implemented over a 5-year period, unless after consultation with the affected permittees or lessees and other affected interests, an agreement is reached to implement the increase or suspension in less than 5 years.

(b) After consultation, coordination and cooperation, suspensions of preference shall be implemented through a documented agreement or by decision. If data acceptable to the authorized officer are available, an initial reduction shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth years following that effective date, except as provided in paragraph (a) of this section. If data acceptable to the authorized officer to support an initial reduction are not available, additional data will be collected through monitoring. Adjustments based on the additional data shall be implemented by agreement or decision that will initiate the 5-year implementation period.

(c) When the authorized officer determines that the soil, vegetation, or other resources on the public lands require temporary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation with affected permittees or lessees and other affected interests, action shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use shall be issued as final decisions which are placed in full force and effect under § 4160.3(c) of this title.

14. Section 4110.4 is amended by:

§ 4110.4-1 [Amended]

a. Amending § 4110.4-1 by removing "4110.5" where it appears and replacing it with "4130.1-2";

§ 4110.4-2 [Amended]

b. Amending § 4110.4-2(b) by revising it to read as follows:

* * * * *

(b) When public lands are disposed of or devoted to a public purpose which precludes livestock grazing, the permittees and lessees shall be given 2 years' prior notification except in cases of emergency, national defense requirements in time of war, natural disasters, national emergency needs, etc. before their grazing permit or grazing lease and grazing preference may be canceled. A permittee or lessee may unconditionally waive the 2-year prior notification. Such a waver shall not prejudice the permittee's or lessee's right to reasonable compensation for, but not to exceed the fair market value of his or her interest in authorized permanent range improvements located on these public lands. (see § 4120.3-6).

§ 4110.5 [Removed]

15. Section 4110.5 is amended by removing it in its entirety.

§ 4110.5 [Redesignated from § 4110.6]

16. Section 4110.6 is amended by redesignating it as section 4110.5.

§§ 4120.1, 4120.2 and 4120.2-1 [Removed]

17. Subpart 4120 is amended by:

a. Removing § 4120.1 in its entirety;

b. Removing § 4120.2 in its entirety; and

c. Removing § 4120.2-1 in its entirety.

§ 4120.2-2 [Removed]

18. Section 4120.2-2 is revised by removing it in its entirely and adding a new § 4120.1 to read as follows:

§ 4120.1 Cooperative management agreements.

(a) The authorized officer of the Bureau of Land Management may enter into a cooperative management agreement with any permittee or lessee who has demonstrated exemplary rangeland management practices.

(1) A cooperative management agreement establishes the responsibilities and performance standards of the cooperating parties in managing and using of the public lands to graze livestock.

(2) A cooperative management agreement shall be consistent with, and incorporate by reference, all applicable provisions of any existing land use plan as well as the terms of the authorization(s) issued to the cooperative party to graze livestock on the allotment(s).

(3) A cooperative management agreement shall not empower the cooperating party to exclude or limit other authorized uses on the allotment(s).

(b) A cooperative management agreement shall be issued for a term of 10 years and, at the discretion of the authorized officer of the Bureau of Land Management, may be renewed.

(c) A cooperative management agreement, and a cooperating party's performance under it, shall be periodically evaluated by the Bureau of Land Management.

(d) A cooperative management agreement may be transferred by operation of law. If the cooperating party is organized as a corporation or partnership, the cooperative management agreement may, upon notice to the authorized officer, also be transferred as an incident to any change of less than 100 percent in the business organization. All other transfers of the cooperative management agreement are prohibited and shall result in its automatic termination.

§ 4120.2-3 [Amended]

19. Section 4120.2-3, Allotment management plans, is amended by:

a. Redesignating § 4120.2-3 as § 4120.2;

b. Revising the introductory text to read:

When allotment management plans are developed, the following provisions apply:

* * * * *

c. Amendment paragraph (a) by removing the second sentence;

d. Removing "§ 4120.2-1" from paragraph (a) and replacing it with "§ 4130.6";

e. Removing the phrase "prescribe a system of grazing designed" from the third sentence of paragraph (a) and replacing it with the phrase "describe the livestock grazing practices necessary";

f. Revising paragraph (b) to read:

* * * * *

b. Private and State lands shall be included in allotment management plans with the consent or at the request of the party(ies) who owns or controls those lands.;

* * * * *

g. Removing paragraph (c) in its entirety;

h. Redesignating paragraph (d) as paragraph (c) and revising it to read:

* * * * *

(c) Completed allotment management plans shall be incorporated into the terms and conditions of the affected grazing permits and leases.;

* * * * *

j. Removing paragraph (e) in its entirety; and

k. Removing paragraph (f) in its entirety;

§ 4120.3 [Amended]

20. Section 4120.3 is amended by removing it in its entirety and adding the following new §§ 4120.3, 4120.3–1, 4120.3–2, 4120.3–3, 4120.3–4, 4120.3–5, 4120.3–6, and 4120.3–7 to read as follows:

§ 4120.3 Range improvements.

§ 4120.3–1 Conditions for range improvements.

(a) Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.

(b) Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into a cooperative agreement with the Bureau of Land Management or must have an approved range improvement permit.

(c) The authorized officer may require a permittee or lessee to maintain and/or modify range improvements on the public lands under § 4130.6–2 of this title.

(d) The authorized officer may require a permittee or lessee to install range improvements on the public lands in an allotment with two or more permittees or lessees and/or to meet the terms and conditions of agreement.

(e) A range improvement permit or cooperative agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.

§ 4120.3–2 Cooperative agreements.

Any person may enter into a cooperative agreement with the Bureau of Land Management for the installation, use, maintenance, and/or modification of range improvements needed to achieve management objectives. The cooperative agreement shall specify the division of costs or labor, or both, between the United States and cooperator(s). Title to structural or removable improvements shall be shared by the United States and cooperator(s) in proportion to the actual amount of the respective contribution to the initial construction. Title to nonstructural or nonremovable improvements shall be in the United States.

§ 4120.3–3 Range improvement permits.

(a) Any permittee or lessee may apply for a range improvement permit to install, use, maintain, and/or modify range improvements that are needed to achieve management objectives within his/her designated allotment. The permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance. Such range improvement permits are issued at the discretion of the authorized officer.

(b) The permittee or lessee shall have title to removable range improvement authorized under range improvement permits.

(c) The use by livestock of stock ponds or wells or wells authorized by a range improvement permit shall be controlled by the grazing permittee or lessee holding the range improvement permit.

§ 4120.3–4 Standards, design and stipulations.

Range improvement permits and cooperative agreements shall specify the standards, design, construction and maintenance criteria for the range improvements and other additional conditions and stipulations or modifications deemed necessary by the authorized officer.

§ 4120.3–5 Assignment of range improvements.

The authorized officer shall not approve the transfer of a grazing preference under § 4110.2–3 of this title or approve use by the transferee of existing range improvements, unless the transferee has agreed to compensate the transferor for fair market value of his interest in the authorized improvements within the allotment as of the date of the transfer. If the parties are unable to agree as to the amount or manner of reasonable compensation, the matter shall be resolved by the authorized officer.

§ 4120.3–6 Removal and compensation for loss of range improvements.

(a) Range improvements shall not be removed from the public lands without authorization.

(b) The authorized officer may require permittees or lessees to remove range improvements which they own on the public lands if these improvements are no longer helping to achieve land use plan or allotment goals and objectives if they fail to meet the criteria under § 4120.3–4 of this title.

(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessees interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.

(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.

§ 4120.3–7 Contributions.

The authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of the public lands necessary to achieve the objectives of this part.

21. Section 4120.4 is amended by removing it in its entirety and inserting a new section to read:

§ 4120.4 Special rules.

(a) When a State Director determines that local conditions require a special rule to achieve improved administration consistent with the objectives of this part, the Director may approve such rules. The rules shall be subject to public review and comment, as appropriate, and upon approval, shall become effective when published in the Federal Register as final rules. Special rules shall be published in a local newspaper.

"(b) Where the Bureau of Land Management administers the grazing use of other Federal Agency lands, the terms of an appropriate Memorandum of Understanding or Cooperative Agreement shall apply."

§§ 4120.5, through 4120–6 4120.6–7, 4120.7 and 4120.8 [Removed]

22. Section 4120.5 is removed in its entirety.

23. Sections 4120.6 through 4120.6–7 are removed in their entirety.

24. Sections 4120.7 and 4120.8 are removed in their entirety.

25. Section 4130.1 is amended by removing the word "timely" where it appears;

26. Two new sections, 4130.1–1 and 4130.1–2 are added to subpart 3140 to read;

§ 4130.1–1 Changes in grazing use.

(a) Applications for changes in grazing use should be filed with the authorized officer before the billing notices for the affecting grazing use have been issued. Applications for changes in grazing use filed after the billing notices for the affected grazing use have been issued and which required the issuance of a replacement or supplemental billing notice shall be subject to a service charge under § 4130.7–3 of this title .

(b) Changes in grazing use may be granted by the authorized officer.

§ 4130.1–2 Conflicting applications.

When more than one qualified applicant applies for livestock grazing use of the same public lands and/or where additional livestock forage or additional acreage becomes available, the authorized officer may allocate grazing use of such land or forage on the basis of § 4110.3–1 of this title or on the basis of any of the following factors:

(a) Historical use of the public lands (see § 4130.2(1)(d));

(b) Proper range management and use of water for livestock;

(c) General needs of the applicants, livestock operations;

(d) Public ingress or egress across privately owned or controlled land to public lands;

(e) Topography; and

(f) Other land use requirements unique to the situation.

§ 4130.2 [Amended]

27. Section 4130.2 is amended by:

a. Removing paragraph (a) in its entirety;

b. Redesignating paragraph (b) as paragraph (a) and revising it to read:

(a) Grazing permits or leases shall be issued to authorize livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management. These grazing permits or leases shall specify terms and conditions as required by § 4130.6 of this title;

* * * * *

c. Redesignating paragraph (c) as paragraph (b);

(d) Redesignating paragraph (d)(1) as paragraph (c) and removing paragraphs (d) (2), (3) and (4);

(f) Redesignating paragraph (e) as paragraph (d) and revising it to read as follows:

"(d) Permittees or lessees holding expiring grazing permits or leases shall be given first priority for new permits or leases if:

(1) The lands for which the permit or lease is issued remain available for domestic livestock grazing;

(2) The permittee or lessee is in compliance with the rules and regulations and the terms and conditions in the permit or lease;

(3) The permittee or lessee accepts the terms and conditions to be included by the authorized officer in the new permit or lease."

g. Adding paragraph (e) to read:

* * * * *

(e) Permits or leases may incorporate the percentage of public land livestock use (see § 4130.6–2) or may include private land offered under exchange-of-use grazing agreements (see § 4130.4–1).

§ 4130.3 [Amended]

28. Section 4130.3 is amended by removing "§ 4110.5" where it appears and replacing it with § 4130.1–2".

§ 4130.4 [Amended]

29. Section 4130.4–1 is amended by removing paragraphs (b), (d), and (e) in their entirety and redesignating paragraph (c) as paragraph (b).

30. Section 4130.5 is amended by removing it in its entirety and adding a new section to read:

§ 4130.5 Ownership and identification of livestock.

(a) The permittee or lessee shall own or control and be responsible for the management of the livestock which graze the public land under a grazing permit or lease.

(b) Authorized users shall comply with the requirements of the State in which the public lands are located relating to branding of livestock, breed, grade, and number of bulls, and health and sanitation requirements; and

(c) The authorized officer may require counting and/or additional special marking or tagging of the authorized livestock in order to promote the orderly administration of the public lands.

31. Section 4130.6 is revised to read:

§ 4130.6 Terms and conditions.

Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management control identified in land use plans.

32. A new section, § 4130.6–1, mandatory terms and conditions, is added to read:

§ 4130.6–1 Mandatory terms and conditions.

(a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock grazing capacity and may be limited or excluded to the extent necessary to achieve the objectives established for the allotment.

(b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.

27. A new section § 4130.6–2, Other terms and conditions, is added to read:

§ 4130.6–2 Other terms and conditions.

The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to:

(a) The class of livestock that will graze on an allotment;

(b) The breed of livestock in allotments within which two or more permittees or lessees are authorized to graze;

(c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands;

(d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, the actual use made;

33. Section 4130.6 is amended by adding a new § 4130.6–3 Modification to read as follows:

§ 4130.6–3 Modification.

Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditons of the permit or lease if monitoring data show that present grazing use is not meeting the land use plan or management objectives.

(e) The kinds of indigenous animals authorized to graze under specific terms and conditions;

(f) Provision for livestock grazing to be temporarily delayed, discontinued or modified to allow for the reproduction

establishment or restoration of vigor of plants, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth; and

(g) The percentage of public land use determined by the proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by the permittee or lessee.

§ 4130.8 [Redesignated from § 4130.7]

35. Section 4130.7 is amended by redesignating it as § 4130.8 and adding new §§ 4130.7, 4130.7–1, 4130.7–2 and 4130.7–3 to read as follows:

§ 4130.7 Fees.

§ 4130.7–1 Payment of fees.

(a) Grazing fees shall be established annually by the Secretary.

(b) Fees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management at a specified rate per animal unit month.

(c) The full fee shall be charged for each paying animal unit which is defined as each animal six (6) months of age or over at the time of entering the public lands, for all weaned animals regardless of age, and for such animals as will become twelve (12) months of age during the authorized period of use. No charge will be made for animals under six (6) months of age at the time of entering the public lands, that are the natural progeny of animals upon which fees are paid, provided they will not become twelve (12) months of age during the authorized period of use, or for progeny born during that period.

(d) Fees are due upon issuance of billings. When billings are issued prior to the grazing season, payment will be made prior to grazing use. If allotment management plans or cooperative management agreements provide for billing after the grazing season, fees will be based on actual grazing use and will be due upon issuance.

§ 4130.7–2 Refunds.

(a) Grazing fees may be refunded where applications for change in grazing use and related refund are filed prior to the period of use for which the refund is requested.

(b) No refunds shall be made for failure to make grazing use, except during periods of range depletion due to drought, fire, or other natural causes, or in case of a general spread of disease amount the livestock that occurs during the term of a permit or lease. During these periods of range depletion the authorized officer may credit or refund fees in whole or in part, or postpone fee payment for as long as the emergency exists.

§ 4130.7–3 Service charge.

A service charge shall be assessed for each crossing permit, transfer of grazing preference and each replacement or supplemental billing notice except for actions initiated by the authorized officer. Pursuant to section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734(a), calculation of the Bureau service charge assessed shall reflect processing costs and shall be adjusted periodically as costs change. Notice of changes shall be published periodically in the **Federal Register.**

§ 4140.1 [Amended]

36. Section 4140.1 is amended by:

a. Amending paragraph (a)(3) by removing the words "without authorization" and inserting the words "in violation of the terms and conditions of the lease or permit";

b. Amending paragraph (b)(1)(iv) by removing "§ 4120.4(d)" and replacing it with "§ 4130.5(c)";

c. Removing paragraph (b)(7) in its entirety; and

d. Removing paragraph (b)(8) in its entirety and redesignating paragraphs (9) through (11) as paragraphs (7) through (9) respectively; amending new paragraph (b)(7) by removing the word "of" where it appears and replacing it with the word "or"; and revising new paragraph (b)(8) by removing the word "certified" where it appears.

e. Revising paragraph (b) by inserting a paragraph (10) to read as follows:

"(10) Violating the Bald Eagle Protection Act or the Endangered Species Act."

§ 4150.2 [Amended]

37. Section 4150.2 is amended by:

a. Amending paragraph (b) by removing "§ 4150.5" and replacing it with "§ 4150.4"; and

b. Removing paragraph (c) in its entirety.

38. Section 4150.3 is revised to read:

§ 4150.3 Settlement.

The authorized officer shall determine if the violation is nonwillful, repeated nonwillful, willful, or repeated willful. Where violations are repeated nonwillful, the authorized officer may take action under § 4170.1–1(a) of this title. Where violations are repeated willful the authorized officer shall take action under § 4170.1–1(b) of this title. The amount due for all settlements shall include: the full value for all damages to the public lands and other property of the United States; all expenses incurred by the United States including those incurred in gathering, impounding, caring for, and disposing of livestock in cases which necessitate impoundment under § 4150.4; and shall include the amount due the United States for unauthorized grazing use as described in paragraphs (a), (b) or (c) of this section.

(a) For nonwillful violations: The value of forage consumed as determined by the average monthly rate for pasturing livestock on privately owned land (excluding irrigated land) for the 11 Western States as published annually by the Department of Agriculture.

(b) For repeated nonwillful violations: Twice the value of forage consumed as determined in paragraph (a) of this section.

(c) For willful and repeated willful violations: Three times the value of the forage consumed as determined in paragraph (a) of this section."; and

(d) Payment made under this section does not relieve the alleged violator of any criminal liability under Federal or State law.

(e) Violators shall not be authorized to make grazing use on the public lands administered by the Bureau of Land Management until any amount found to be due the United States under this section has been paid. The authorized officer may take action under § 4160.1–2 of this title to cancel or suspend grazing authorizations or to deny approval of applications for grazing use until such amounts have been paid. The proposed decision shall include a demand for payment.

§ 4150.4–1 [Amended]

39. Section 4150.4–1 is amended by removing paragraph (c) in its entirety.

§ 4150.4–2 [Amended]

40. Section 4150.4–2 is amended by removing "§ 4150.4–1(c)" where it appears.

§ 4150.4–3 [Amended]

41. Section 4150.4–3 is amended by removing the second, third, and fourth sentences.

§ 4160.1–1 [Amended]

42. Section 4160.1–1 is amended by deleting the word "The" at the beginning of the first sentence and replacing it with the phrase "In the absence of a documented agreement between the authorized officer and the permittee(s) or lessee(s), the"; inserting the following sentence after the first sentence in the opening paragraph to read:

"The authorized officer shall also send copies to other affected interests.":

and by removing paragraphs (a), (b) and (c) in their entirety.

§ 4160.1–2 [Amended]

43. Section 4160.1–2 is amended by removing "§ 4130.5–1" where it appears and replacing it with "§ 4130.7–1".

§ 4160.2 [Amended]

44. Section 4160.2 is amended by removing the word "adversely" from the first sentence.

§ 4160.3 [Amended]

45. Section 4160.3 is amended by:

a. Amending paragraph (b) by placing a comma after the word "both" and inserting the words "and on other affected interests" in the second sentence and deleting the remainder of the sentence;

b. Amending paragraph (c) by removing the last sentence in the paragraph and replacing it with the sentence "The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal."; and

c. Removing paragraphs (d) and (e) in their entirety.

§ 4160.4 [Amended]

46. Section 4160.4 is amended by removing the phrase "applicant, permittee, or any other".

47. Section 4170.1–2 is revised to read as follows:

§ 4170.1–2 Failure to use.

After consultation, coordination, and cooperation, the authorized officer may cancel a grazing preference to the extent of failure to use when a permittee or lessee has failed to make substantial grazing use as authorized for 2 consecutive years. (See § 4140.1(a)(2)).

48. Section 4170.1–3 is revised to read as follows:

§ 4170.1–3 Bald Eagle Protection Act and Endangered Species Act.

Violation of the Bald Eagle Protection Act or the Endangered Species Act may result in penalty under § 4170.1–1 where:

(a) Public land administered by the Bureau of Land Management is involved or affected;

(b) Such violation is related to grazing use authorized by permit or lease;

(c) The permittee or lessee has been convicted or otherwise found to be in violation of the law or regulations by a court or by final determination of any agency charged with the administration of the law where no further appeals are outstanding.

49. Section 4170.1–4 is inserted to read as follows:

§ 4170.1–4 Cooperative management agreement.

Violation of the terms and conditions of a cooperative management agreement may result in the cancellation of the agreement. Where violation of Subpart 4140 Prohibited Acts occurs, the authorized officer may take appropriate action under § 4170.1–1 of this title.

[FR Doc. 84–4491 Filed 2–17–84; 8:45 am]

BILLING CODE 4310–84–M

federal register

Tuesday
February 21, 1984

Part III

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Metallic Mineral Processing Plants; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2435-5]

Standards of Performance for New Stationary Sources; Metallic Mineral Processing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Standards of performance for metallic mineral processing plants were proposed in the **Federal Register** on August 24, 1982 (47 FR 36859). This action promulgates standards of performance for metallic mineral processing plants. These standards implement Section 111 of the Clean Air Act and are based on the Administration's determination that metallic mineral processing plants cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed metallic mineral processing facilities to control emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: February 21, 1984.

Under section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard (NSPS) is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

ADDRESSES: *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "Metallic Mineral Processing Plants—Background Information for Promulgated Standards" (EPA–450/3–81–009c). The BID contains: (1) A summary of all the public comments made on the proposed standards and the Administrator's response to the comments, (2) a summary of the changes made to the standards since proposal, and (3) the final Environmental Impact Statement that summarizes the impacts of the standards.

Docket A docket, number A–81–03, containing information considered by EPA in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE–131), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone (919) 541–5624.

SUPPLEMENTARY INFORMATION:

The Standards

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standards apply to new, modified, or reconstructed metallic mineral processing facilities for which construction was commenced after August 24, 1982. For the purpose of these standards, a metallic mineral plant processes metallic ores into metallic concentrates containing one or more of the following metals: Aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, tungsten, uranium, zinc, and zirconium. Existing facilities are not subject to the regulation unless modified or reconstructed as defined in 40 CFR 60.14 or 60.15, respectively.

The promulgated standards will limit emissions of particulate matter from affected facilities at metallic mineral processing plants. "Affected facilities" at a metallic mineral processing plant are defined as each crusher and screen at an open-pit mine and each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator. All facilities located in underground mines are exempted from the standards. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempt from the provisions of these standards. All conveyor belt transfer points between crushers located in an open-pit mine and between the mine and milling, storage or waste rock disposal areas, are exempted from the provisions of the standard.

The promulgated standards limit the concentration of particulate matter in stack emissions to 0.05 gram per dry standard cubic meter. This stack emission limit is based on the use of high-energy wet scrubbers under worst case conditions; although, under less stringent conditions, baghouses or low-energy wet scrubbers could also meet the standards. Stack emissions from all affected facilities except those controlled by wet scrubbers are also limited to 7 percent opacity. The promulgated standards limit process fugitive emissions to 10 percent opacity. "Process fugitive emissions" are defined as those emissions from an affected facility that escape collection by a capture system (i.e., a hood or enclosure).

The promulgated standards require the owner or operator of an affected facility using a wet scrubber for controlling emissions to install a monitoring device to continuously measure the liquid flow rate to the wet scrubber and a device to measure the pressure drop across the wet scrubber. The operator of the wet scrubber is also required to record the pressure drop and flow rate at least once a week and to report semiannually the occasions when the measurements of these parameters differ by more than ±30 percent from those measurements recorded during the last performance test.

Reference Methods 1, 2, 3, and 5 or 17 will be used to determine compliance with the stack mass emission standards. Reference Method 9 will be used to measure the opacity of stack emissions and the opacity of process fugitive emissions. Method 9 is amended concurrently with the promulgation of this standard in order to provide more detail on the use of this method to determine the opacity of process fugitive emissions.

Summary of Environmental, Energy, and Economic Impacts

Environmental Impact

The metallic mineral processing industry is composed of approximately 200 plants processing a wide variety of

ores and minerals. Metallic mineral processing plants are located throughout the country, although the largest numbers of existing or new plants are or will be located in the western states. Prior to the proposal of the NSPS, emissions from new and existing sources in the industry were controlled to varying degrees by State standards under the State implementation plans (SIP's). In comparing emission levels achieved with control devices currently used in the industry with emission levels allowed under these standards, it is estimated that the promulgated standards will reduce the total amount of particulate emissions from 25 new plants built by 1985 by as much as 11,800 megagrams per year [(11,800 Mg/yr) (13,000 tons/yr)] below emission levels that would occur if no new standards were set. This reduction would range from 65 Mg/yr (72 ton/yr) for a 23 Mg/hour (25 ton/hour) uranium plant to 2,300 Mg/yr (2,500 ton/yr) for a 2,200 Mg/hour (2,400 ton/hour) iron ore processing plant.

Because these particulate emissions could contain trace amounts of metals and radioactive compounds, depending on the type of ore processed, there would also be a simultaneous reduction in the release of these compounds into the atmosphere.

There would be no significant adverse water pollution or solid waste impacts from the standards. If dry collectors are used to meet the standards, collected emissions could be recycled to the milling process because the collected particles are primarily the ore or the concentrated product of processing plants. Thus the solid waste impact from using dry collectors to meet the standards should be nonexistent. Because no water discharge is generated by dry collectors, there would be no adverse water pollution impact.

If wet scrubbers are used to meet the standards, the slurries recovered from the scrubbers could be added to the wet size-reduction operations or wet concentration steps in the process. Alternatively, the slurries could be combined with tailings from the plant's beneficiation process, which are typically discharged to a tailings pond from which the water is recycled. The material generated from wet scrubbers under worst-case conditions would represent less than 1 percent of the waste material generated in the beneficiation of any metallic mineral covered by the standard.

The only source of noise that would result from the standards would be the exhaust fans used in control systems. When compared with the noise from crushing process equipment, any additional noise from control system exhaust fans would be insignificant.

Energy Impact

The estimated incremental energy requirements of the standards were calculated by comparing the energy requirements of baghouses and high-energy wet scrubbers (pressure drop of 30 inches of water) with the energy requirements of low-energy wet scrubbers (pressure drop of 6 inches of water), which are the most widely used equipment for current emission control. Because a fabric filter baghouse uses a more efficient fan than a low-energy wet scrubber while operating at the same pressure drop and air flow rate, energy consumption would be lower with the installation of baghouses to meet the requirements of the standards.

Assuming worst-case conditions from an energy perspective (i.e., if all new facilities installed only high-energy wet scrubbers), the industry energy use would increase by 317 terajoules (317 TJ) [300×10^9 British Thermal Units (300×10^9 Btu's)] in 1985 over that required if only low-energy wet scrubbers were installed. This increase represents less than 0.5 percent of the energy that would be consumed by these new plants as represented by their projected use of natural gas, liquid fuels, and electrical energy. The energy impacts were determined by comparing the amount of energy consumed by the entire plant complex including the mine and beneficiation process (except iron ore pelletizing and alumina calcining). The maximum incremental increase in energy use at any individual new plant due to compliance with the standards with 30-inch pressure drop wet scrubbers would range from 0.04 percent for aluminum plants to 7 percent for titanium/zirconium plants. These impacts are worst-case projections because it is likely that most installations will not find it necessary to use 30-inch pressure drop wet scrubbers on all affected facilities. In many cases, baghouses or wet scrubbers with less than 30-inch pressure drop would be adequate to achieve the standards.

Economic Impact

The incremental cost and economic impacts associated with the standards are considered to be reasonable. The economic impacts are based on a comparison of 30-inch pressure drop wet scrubbers, the most expensive control option on an annualized cost basis, with a 6-inch pressure drop wet scrubber, the control device most widely used to meet current standards. Less expensive control devices, such as baghouses and lower energy wet scrubbers, are expected in most cases to meet the proposed standards. Thus, the actual economic impact of the standard would be less than the estimates summarized below.

The incremental capital costs associated with the standards were calculated as the difference between the cost of 6-inch pressure drop wet scrubbers and 30-inch pressure drop wet scrubbers. The incremental capital costs ranged from $29,000 for a 23 Mg/h (25 ton/h) uranium plant to $940,000 for a 2,200 Mg/h (2,400 ton/h) iron ore plant for the application of 30-inch pressure drop wet scrubbers to all affected facilities in a plant. The corresponding incremental annualized cost ranged from $28,000 to $870,000 per year. The close correspondence of incremental capital and incremental annualized costs for 30-inch pressure drop scrubbers reflects the high operating cost of 30-inch pressure drop scrubbers. As a percentage of capital cost requirements for new plants, the costs of 30-inch pressure drop scrubbers range from a 0.9 percent increase for uranium plants to a 0.1 percent increase for iron ore plants. The capital costs for new plants include the costs of an entire milling and mining operation.

The total incremental capital cost to install 30-inch pressure drop wet scrubbers on all new plants would be about $5 million for the first 5 years that the standards would be in effect. The total incremental annualized cost would increase by $4,600,000 in the fifth year.

The percentage increase in the cost of producing the metal due to the annualized cost of installing and operating 30-inch pressure drop wet scrubbers at all affected facilities in a plant ranged from less than 0.1 percent for aluminum plants to 1.7 percent for a 140 Mg/h (150 ton/h) copper plant. This size copper plant was the only projected new plant where the impact exceeded 1 percent. In addition, it is likely that the impact on small copper plants is overstated. In calculating the impact of these standards on small copper plants, a very low ore grade was used and the value of coproduced minerals was not considered. For these reasons, the actual increase in production cost for small copper plants will likely be closer to 0.17 percent than 1.7 percent.

The environmental, energy, and economic impacts are discussed in greater detail in the background information document for the proposed standards, "Metallic Mineral Processing Plants—Background Information for Proposed Standards" (EPA–450/3–82–009a).

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** of the meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the standards recommended for proposal. The NAPCTAC meeting was held on April 29, 1981. The meeting was open to the public, and each attendee was given an opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the **Federal Register** on August 24, 1982 (47 FR 36859). The preamble to the proposed standards discussed the availability of the background information document (BID), "Metallic Mineral Processing Plants—Background Information for Proposed Standards" (EPA–450/3–82–009a), which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal, and copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on October 7, 1982, at Reseach Triangle Park, North Carolina. The public comment period was from August 24, 1982 to November 8, 1982.

Nineteen comment letters were received during the comment period relative to the proposed standards. The comments have been carefully considered; and, where determined to be appropriate by the Administrator, changes have been made in the final standards.

Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from industry, trade associations, one State air pollution control agency, and a private citizen. A detailed discussion of these comments and responses can be found in the BID for the promulgated standards, which is referred to in the ADDRESSES section of this preamble. The summary of comments and responses in the BID serves as the basis for the revisions that have been made to the standards between proposal and promulgation. The major comments and responses are summarized in this preamble.

In response to the public comments and as a result of EPA reevaluation, certain changes have been made in the proposed standards. Section 60.380 has been modified to clarify that at open-pit mines only crushers and screens are affected facilities. In Section 60.381, the definition of "metallic mineral processing plant" has been modified, and a definition of "metallic mineral concentrate" has been added in order to clarify what is meant by a metallic mineral processing plant. In Section 60.383, the list of ore-contact surfaces whose repairs are exempt from reconstruction provisions has been expanded to include surfaces on pan feeders. Section 60.384 has been expanded to clarify that the owner or operator of a wet scrubber is required to record the scrubber liquid flow rate to the scrubber and the pressure drop across the scrubber during the initial performance test and at least weekly thereafter. Reporting of the results of the initial performance tests is required by the General Provisions, while reporting of subsequent readings is not required. Section 60.385 (Test methods and procedures) has been modified to indicate that Method 9, Visual Determination of the Opacity of Emissions from Stationary Source (Appendix A, 40 CFR Part 60), is to be used for determining opacity for stack and process fugitive emissions. Method 9 has been amended to provide additional instructions for determining opacity from fugitive sources.

Most of the comment letters contained multiple comments. The major comments have been divided into the following areas: General, Emission Control Technology, Economic Impacts, Environmental Impacts, and Test Methods and Monitoring.

General

Opacity Standards for Stack and Process Fugitive Emissions

A number of commenters objected to a process fugitive standard. One of these commenters felt that it had not been justified in terms of its air quality benefits. Two other commenters stated that the lack of difference between a 10 percent process fugitive emission standard and a 7 percent stack standard seemed to imply that the EPA was requiring uncontrolled emissions to be as low as controlled emissions from a stack. One commenter noted that EPA data showed that all facilities tested were meeting the process fugitive standard and that there is no reason to expect that practices would change. This commenter felt that the additional monitoring, performance tests, and recordkeeping resulting from the standard were not justified in view of the insignificance of the emissions. Therefore, he felt the standard can be eliminated. On the other hand, one commenter stated that the standard should be raised from 10 to 20 percent opacity.

The process fugitive emission standard serves at least two purposes. First, the standard ensures that emission from facilities that use control devices such as wet scrubbers or baghouses are in fact collecting these emissions at the point of generation and ducting them to the control device. Demonstrations of control device efficiency in meeting the stack emission standard would do little good if emissions were not being properly ducted to the device. Thus, where control devices are used, the process fugitive emission standard is designed to prevent short-circuiting of emissions and to ensure that the air quality benefits that accrue to the control of stack emissions are achieved.

Second, the process fugitive emission standard allows the facility to use alternative methods of emission control. For example, if the operator of a facility can keep the process fugitive emissions below 10 percent by using enclosures and/or wet suppression, then the operator would not be required to duct emissions to a control device such as a wet scrubber.

As noted by one commenter, the EPA test data do indeed demonstrate the achievability of the standard. Although the EPA's experience shows that a poorly designed capture system could cause emissions in excess of the standard, EPA test data show that properly designed systems can meet the standard. These test data justify a process fugitive opacity standard of 10 percent. In addition, as discussed above, eliminating the standard would make it impossible to judge the effectiveness of alternative control systems such as wet suppression.

Neither the General Provisions nor these standards require preformance tests, monitoring, or recordkeeping with regard to compliance with the process fugitive opacity standard. Thus, the ongoing costs of monitoring and demonstrating compliance with the standard are minimal. However, it is emphasized that the opacity standard is a separate enforceable requirement and that the industry will be evaluated on their ability to comply.

For the above reasons, the Administrator has determined that the process fugitive emission standard is necessary and justified.

Emission Control Technology

One commenter stated that it would be very difficult to achieve the process fugitive emission standard at a reasonable cost at ore dumps (truck unloading stations) and conveyor belt

transfer points in open-pit mines and requested that the standard be withdrawn. This commenter provided data on the cost to control fugitive emissions at ore dumps and conveyor belt transfer points at in-pit crushing systems. This commenter stated that the cost to control emissions at these facilities was high enough to forestall a changeover to in-pit crushing and conveyorized transport. This changeover was being considered at an existing mine as a means to reduce energy and labor costs associated with truck hauling. The commenter also noted that the use of in-pit crushing and conveyorized transport would reduce plant fugitive emissions by 40 to 50 percent because truck hauling would be reduced.

Because these new in-pit crushing and conveying systems were not in use during the development of the NSPS, the EPA has limited information regarding the industry-wide impacts of the NSPS upon these systems. Due to the lack of sufficient emission test data and data on the cost and design of effective in-pit control systems, the EPA is unable to identify the best demonstrated technology (BDT) for these facilities at this time and is, therefore, excluding truck and railcar unloading stations (ore dumps) and conveyor belt transfer points located in open-pit mines and conveyor belt transfer points located in open-pit mines and conveyor belt transfer points located between the mine and the mill, storage, or waste disposal areas from coverage under the NSPS for metallic mineral processing at this time.

However, as a result of the comment, the EPA conducted an evaluation of the impacts associated with the control of emissions from ore dumps at in-pit crushing operations and from overland conveyor systems at one plant for which information was available. This evaluation was based on the process information supplied by the commenter for an open-pit mining operation that involves the excavation of greater than 100,000 tons of ore and 150,000 tons of waste rock per day.

Potential emissions from these ore dumps and conveyor belt transfer points at this plant are significant based on the number of facilities and the amount of material transferred through these points. The EPA calculated that the uncontrolled emissions from the ore dumps at the one facility for which data were available would likely range from 2,000 to 6,000 tons per year. Uncontrolled emissions from conveyor belt transfer points on overland conveyors could be in the range of 2,000 to 23,000 tons per year depending on the actual ore and waste-rock moisture levels.

The cost to control the emissions from these ore dumps and conveyor belt transfer points at this plant also appears significant. Although the EPA believes that some of the costs provided by the commenter are based on process designs that do not allow for the most economical use of control equipment, even the EPA's calculations for less costly designs indicate a potential economic impact on the production costs of copper of as much as 1 percent from the control of emissions from these sources alone.

The EPA notes that the preliminary emission and cost information gathered from this plant suggests that the impact of controlling ore dumps and conveyor belt transfer points is potentially so great as to delay or discourage decisions to replace truck hauling systems with conveyor transport systems. This effect, if it were to occur, would be counterproductive from an environmental standpoint. The uncontrolled emissions from truck hauling are typically much greater than uncontrolled emissions from conveyor belt systems. Viewed in the broad perspective of controlling emissions from the transport of ore and waste rock, the replacement of truck hauling with conveyor belts thus represents a very effective method for reducing emissions from the truck transport of rock, emissions that otherwise in the past have proven difficult to control. Thus, the EPA would seek to encourage this shift in process technology from the use of truck hauling to conveyor transfer.

The EPA will review the development of this transport technology and the impacts of possible control techniques for these facilities during its periodic review of this NSPS.

Economic Impacts

A number of commenters discussed various aspects of the economic impacts of the proposed standards. One commenter stated that the proposed standards have lost sight of the primary purpose of the Clean Air Act, which is to promote "the public health and welfare and the productive capacity of its population." This commenter questioned the necessity of additional regulation of an industry that is struggling under the competition of the world market. Four commenters noted that the economic analyses were performed with 1979 cost and price data that are out of date. Production prices have risen since then while in many cases product prices have fallen. For example, one commenter noted that cost of producing copper increased 44 percent from 1978 to 1981. The cost of copper on the other hand fell from a dollar per pound in 1979 to 65¢ to 75¢ per pound in 1982. The impact of these standards would be correspondingly more severe at these lower prices. An increase in price cannot be passed on because of world-wide competition in the copper market. A similar situation was presented for the aluminum industry. These commenters generally requested that the economic impacts of the standards be reevaluated in light of the weaker economic conditions of the industry today.

The Agency recognizes that since the original economic analyses were performed in developing these standards many segments of the metallic mineral processing industry have experienced severe economic disruptions. The demand for many metals has fallen significantly with a corresponding drop in price. Even at the price figures quoted in 1979 and 1980 for some metals, it was questionable that new processing plants could be profitably built unless there was a reasonable prospect for an increase in demand and price. Nonetheless, the Agency believes that, because of the central role the metallic mineral processing industry plays in the American economy, the long-term prospects for growth in the industry are good. This belief is obviously shared by others outside the Government as the acquisition of several metallic mineral and metal processing firms by still larger natural resource-based companies would attest.

Long-term optimism does not completely redress the short-term difficulties in the industry, yet it is the severe drop in the demand and price for metals—and not environmental regulations—that makes the new construction unlikely at present. When the demand for metals increases with a corresponding increase in price to levels more comparable to 1979 prices (in constant dollars), then new construction will be more likely. Thus, it is reasonable to calculate the impact of these standards for new facilities by using the price of the commodity that is a minimum requisite for the construction of a new facility.

The EPA recognizes that the costs of constructing a new metallic mineral processing plant have likely increased in the past several years. The cost of control equipment has also increased in a proportionate manner. Thus, the costs of control equipment as a percentage of processing equipment cost remained relatively constant. A large

manufacturer of crushers has quoted price increases of 21 to 24 pecent between January 1, 1980, and January 1, 1983 (docket item IV–E–6). During the same period, a manufacturer of control devices has quoted price increases of 20 to 22 percent for multi-vane and venturi wet scrubbers (docket item IV–E–7). At the point at which the rise in the price of metals makes it reasonable to invest in new plants, the cost of meeting the standards will have the same relatively insignificant impacts shown in the analyses based on 1979 dollars.

In addition, the possible economic impacts of the standards are based on several assumptions that tend to exaggerate the impacts, particularly at copper plants. As noted elsewhere in these responses, the economic analysis assumes the universal use of high energy scrubbers when in fact less costly low-energy scrubbers or baghouses can meet the standards at many locations. In addition the concentration of copper in ore at small copper mines was assumed to be 0.45 percent. This figure is more typical of large deposits of larger copper mines, which, because of their economies of scale, can operate at these lower concentrations. One recently expanded mine and mill in Arizona has the capacity to process about 1,700 tons per hour of ore containing 0.49 percent copper and 0.02 percent molybdenum. On the other hand, smaller copper facilities require higher mineral concentrations. New information developed since the original economic analyses were performed indicates that a facility in the planning stage in New Mexico would process about 100 tons of ore per hour containing about 2 percent copper and 3 percent zinc instead of the 0.45 percent copper concentration assumed in the economic analysis for small copper plants. With a higher copper concentration and the consequent higher production of concentrates and the concurrent processing of by-products, the impact of the proposed standards on the production price of metals would be greatly reduced at these smaller plants. Even assuming the universal use of high-energy scrubbers, the economic impact of the standards on copper prices at this planned plant in New Mexico would be closer to 0.17 percent than the 1.7 percent figure quoted for 150 tons per hour copper plants in the preamble and the BID for the proposed standards.

The EPA is very sensitive to the possible adverse economic impacts of the NSPS. For that reason, the Agency has examined very carefully the capital costs of controls, the ability of firms to finance these costs, the potential price increases, and the cost per ton of emissions reduced, which addresses the issue of control costs relative to other industries. As discussed in the proposal preamble, none of these projected impacts appear unreasonable. More specifically, with the one exception discussed above, the projected price increases were all less than 1 percent and typically less than 0.5 percent. In balancing the protection of public health and welfare against the productive capacity of this industry, these costs appear reasonable and, in fact, are small compared to other factors that affect costs and prices.

The EPA has been extremely conservative in calculating the economic impacts of the standards. As demonstrated by our original analyses and the discussion above, the standards will not deter new construction when the demand for metals provides the economic conditions conducive to the development of new plants. Therefore, an extensive reevalution of the economic impacts of the standards will not be performed.

Environmental Impacts

Several commenters stated that the air quality benefits attributable to the proposed standards were overstated because the emission reduction attributable to the proposed standards was overestimated. These commenters gave several reasons why the emission reduction was overestimated. They reiterate that the Agency assumed that the entire industry would be operating under worst-case conditions when calculating the emissions that would occur if the NSPS were not promulgated and if current State standards were allowed to continue. They pointed out that the EPA's own testing indicates that facilities operating under State standards with low-energy wet scrubbers or baghouses are achieving much lower emission rates than EPA's worst-case estimates. One commenter calculated that the true emission reductions with the promulgation of an NSPS would be closer to a 1,000 tons per year as opposed to the EPA's estimate of 14,000 tons per year. These commenters also note that the number of new metallic mineral plants predicted by the EPA is overestimated, particularly in the copper and iron ore industry. Thus, the increase in industry emissions that would occur from new plants if the NSPS were not promulgated is overestimated. Finally, one commenter noted that new plants often replace old plants; these old plant emissions should be subtracted from the industry's emissions when calculating an increase in industry-wide emissions if the NSPS were not promulgated.

Because the technology that must be employed to meet other Clean Air Act requirements will reduce new source particulate emissions to insignificant levels and because of the bleak outlook for future growth in this industry, three of these commenters requested that the NSPS be withdrawn and that the industry be deleted from the NSPS priority list.

The EPA's estimates of the impacts of various regulatory alternatives must be seen as estimates made at a point in time with the best information at hand. In predicting the likelihood of new facilities in the industry, the EPA consulted the best sources available, including the U.S. Bureau of Mines, industry representatives, technical journals, and State agencies. Typically, these sources do not specify particular new plant developments in their forecasts because of various constraints. However, these sources do make various industry forecasts in terms of long-range demand, sources of supply, and growth in the industry. On this basis, the EPA developed models of new plants on which to base its predictions of the costs and environmental impacts of new standards.

Since the time the EPA first developed these predictions, the metallic mineral industry has experienced severe economic difficulties. Numerous plants have suspended or reduced operations, and some new plant construction has been postponed. Nonetheless, the EPA believes that, because of the central role the metallic mineral processing industry plays in the American economy, the long-term prospects for growth in the industry are good and the current difficulties experienced by industry are only temporary.

In predicting the environmental impacts of various regulatory alternatives, several methods could be used. The EPA could have chosen to estimate the emissions that would occur if the State standards were applied at new plants assuming that these emissions would be the maximum allowed by the States. There are several problems with this approach. State regulation of metallic mineral facilities was not consistent from State to State or even within a State as to type of facilities at a plant that might be required to meet State standards. Much of this difficulty arose from the application of the term "unit process" to plants when applying process weighted emission limitations. In addition, some affected facilities under the proposed standards might not be covered at some

locations if State standards continued. On the other hand, the Agency's survey of the industry indicated that many plant facilities covered by State standards were doing better than State standards and that a percentage of the new plants might be expected to do likewise.

Alternately, the Agency could assume the average emission level measured at facilities that the EPA actually tested. There are also problems with this approach. The Agency could not perform an exhaustive test survey of all types of facilities in the industry to determine what the current emission levels are in the industry. Such a test program would not have been a wise use of tax dollars and would not have fulfilled the primary purpose of the EPA's test program. The EPA selects and tests well-designed and well-maintained types of control devices to determine the levels of performance. Some facilities that the EPA inspected, but did not test, were operating with control system designs, devices, or maintenance programs that were not best systems although they were meeting State standards. For example, some facilities are able to use dry cyclones to meet State standards. These control devices were not tested because they are not examples of best systems of continuous emission reduction.

Therefore, the Agency decided to use the so-called "worst-case" approach in calculating emission impacts of the various regulatory alternatives. This approach assumes a baseline emission level equivalent to the emissions from a low-pressure drop scrubber operating under worst-case conditions. The EPA agrees that this approach will not predict the true impact of the proposed standard at each and every new plant that might be built. However, compared to the results of other predictive methods, the Agency feels this method gives a valid overall indication of the impact of the standard. Although the "worst-case" method will overestimate the impact at some facilities, it will not do so as greatly as using the maximum emissions allowed by the States as a basis for calculating the impacts. On the other hand, the "worst-case" approach presumes the use of wet scrubber that may provide better control than a dry cyclone. The "worst-case" approach also presumes coverage of all affected facilities at a plant by the State standards even though State standards may not consistently require control devices on all of these facilities. Uncontrolled emissions from these facilities could easily be higher than "worst-case" baseline emissions of 0.15 gr/dscf. Also, the EPA did not specifically enumerate the reconstruction of facilities at existing plants in estimating emission reductions. The "worst-case" approach used to calculate the environmental benefit of the standard also corresponds to the approach used to calculate the control cost of the standard.

Although the estimates of environmental impacts are approximations, they indicate significant emission reductions such that the NSPS will not result in unnecessary regulation as claimed by some commenters. Because of the expected long-term growth in the industry arising from the construction of new facilities and the reconstruction of existing facilities, this source category will remain listed as a significant source on the priority list for which standards of performance will be promulgated.

Test Methods and Monitoring

A number of commenters noted that no method is specified in the proposal for the determination of the opacity of process fugitive emissions or stated that Method 9, which is specified in the General Provisions, is not appropriate for this measurement. These commenters note that Method 9 was developed for reading opacity at stacks and that the diffuse nature of process fugitive emissions will render Method 9 readings highly variable and subjective. Further, the data used in setting the standard are inappropriately based on Method 9 results in that no procedures for measuring opacity of process fugitive emissions are provided in Method 9. The commenters recommended that the process fugitive emission standard be deleted until an appropriate method is developed.

As stated in the General Provisions (40 CFR 60.11), Method 9 is the method specified for the determination of opacity. The Agency agrees that Method 9, as written, does not provide sufficient guidance for the measurement of opacity levels from process fugitive sources. During the data collection in support of the metallic minerals processing regulation, observers trained in the use of Method 9 followed the guidelines of the method with some modifications in recording visible process fugitive emission data. Method 9 has been amended to incorporate these modifications, which explain in more detail how the opacity of visible process fugitive emissions is determined. The amendment emphasizes the correct positioning of observers and the location within the visible fugitive emissions where opacity reading are to be made.

Information Requirements Impacts

The reporting and recordkeeping requirements of the regulation are assessed in Standard Form 83 and supporting statement, which is included in the docket for public review. This documentation contains: (1) A description of the reporting and recordkeeping required by the regulation and the General Provisions, (2) the reasons for the requirements, and (3) an evaluation of the major alternatives considered (including the use of existing sources of information).

The General Provisions, 40 CFR 60.8, contain notification requirements that enable the Agency to keep abreast of facilities subject to the regulation and also contain requirements for the conduct and reporting of initial performance tests. In addition, the regulation requires semiannual reporting of the occasions when the measurements of scrubber liquid flow rate and the change in pressure across the scrubber differ from the readings of the most recent performance test by more than ±30 percent. Analysis of these reporting requirements indicates that they are both necessary and reasonable considering the savings in Agency time and resources required for effective enforcement.

The resources needed by the industry to maintain records and to collect, prepare, and use the reports for the first 2 years would be about 5.5 person-years per year. The resources required by EPA and State and local agencies to process the reports and to maintain records for the first 2 years would be about 0.74 person-years per year.

Information collection requirements associated with this regulation (40 CFR 60.7, 40 CFR 60.8, and 40 CFR 60.384) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. and have been assigned OMB control number 2060–0016.

Regulatory Flexibility Analysis

During the development of the background information document for this standard, the economic impacts for representative small model plants were examined, and there were no significant impacts on these plants.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow

members of the public and industries involved to identify readily and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for certain inter-Agency review materials, will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this regulation is February 21, 1984. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (August 24, 1982).

As prescribed by section 111, the promulgation of these standards was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. In accordance with section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. For the purposes of the economic impact assessment, three regulatory alternatives were identified. Regulatory Alternatives 1, 2, and 3 are based on the performance of low-, medium-, and high-energy scrubbers, respectively, under worst-case operating conditions. All aspects of the assessment were considered in the formulation of the standards to insure that cost was carefully considered in determining BDT. The economic impact assessment is included in the background information document for the proposed standards.

Under Executive Order 12291, the EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because: (1) The national annualized compliance costs, including capital charges resulting from the standards, total less than $100 million; (2) the standards do not cause a major increase in prices or production costs; and (3) the standards do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation or competition in foreign markets. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to the EPA and any EPA response to those comments are included in docket number A–81–03. The docket is available for public inspection at the EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper pr oducts industry, Petroleum, Phosphate, Sewage disposal, Waste treatment and disposal, Zinc, Tires, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Dated: February 9, 1984.

Alvin L. Alm,

Acting Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding a new subpart and by adding paragraph 2.3.3 to Method 9, Appendix A as follows:

1. A new Subpart LL is added as follows:

Subpart LL—Standards of Performance for Metallic Mineral Processing Plants

Sec.

60.380 Applicability and designation of affected facility.
60.381 Definitions.
60.382 Standard for particulate matter.
60.383 Reconstruction.
60.384 Monitoring of operations.
60.385 Recordkeeping and reporting requirements.
60.386 Test methods and procedures.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart LL—Standards of Performance for Metallic Mineral Processing plants

§ 60.380 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in metallic mineral processing plants: Each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart.

(b) An affected facility under paragraph (a) of this section that commences construction or modification after August 24, 1982, is subject to the requirements of this part.

§ 60.381 Definitions.

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in Subpart A of this part.

"Bucket elevator" means a conveying device for metallic minerals consisting of a head and foot assembly that supports and drives an endless single or double strand chain or belt to which buckets are attached.

"Capture system" means the equipment used to capture and transport particulate matter generated by one or more affected facilities to a control device.

"Control device" means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities at a metallic mineral processing plant.

"Conveyor belt transfer point" means a point in the conveying operation where the metallic mineral or metallic mineral concentrate is transferred to or from a conveyor belt except where the metallic mineral is being transferred to a stockpile.

"Crusher" means a machine used to crush any metallic mineral and includes feeders or conveyors located immediately below the crushing surfaces. Crushers include, but are not limited to, the following types: jaw, gyratory, cone, and hammermill.

"Enclosed storage area" means any area covered by a roof under which metallic minerals are stored prior to further processing or loading.

"Metallic mineral concentrate" means a material containing metallic compounds in concentrations higher than naturally occurring in ore but requiring additional processing if pure metal is to be isolated. A metallic mineral concentrate contains at least one of the following metals in any of its oxidation states and at a concentration that contributes to the concentrate's commercial value: Aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, tungsten, uranium, zinc, and zirconium. This definition shall not be construed as requiring that material containing metallic compounds be refined to a pure metal in order for the material to be considered a metallic mineral concentrate to be covered by the standards.

"Metallic mineral processing plant" means any combination of equipment that produces metallic mineral concentrates from ore. Metallic mineral processing commences with the mining of ore and includes all operations either up to and including the loading of wet or dry concentrates or solutions of metallic minerals for transfer to facilities at non-adjacent locations that will subsequently process metallic concentrates into purified metals (or other products), or up to and including all material transfer and storage operations that precede the operations that produce refined metals (or other products) from metallic mineral concentrates at facilities adjacent to the metallic mineral processing plant. This definition shall not be construed as requiring that mining of ore be conducted in order for the combination of equipment to be considered a metallic mineral processing plant. (See also the definition of "metallic mineral concentrate.")

"Process fugitive emissions" means particulate matter emissions from an affected facility that are not collected by a capture system.

"Product packaging station" means the equipment used to fill containers with metallic compounds or metallic mineral concentrates.

"Railcar loading station" means that portion of a metallic mineral processing plant where metallic minerals or metallic mineral concentrates are loaded by a conveying system into railcars.

"Railcar unloading station" means that portion of a metallic mineral processing plant where metallic ore is unloaded from a railcar into a hopper, screen, or crusher.

"Screen" means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series and retaining oversize material on the mesh surfaces (screens).

"Stack emissions" means the particulate matter captured and released to the atmosphere through a stack, chimney, or flue.

"Storage bin" means a facility for storage (including surge bins and hoppers) or metallic minerals prior to further processing or loading.

"Surface moisture" means water that is not chemically bound to a metallic mineral or metallic mineral concentrate.

"Thermal dryer" means a unit in which the surface moisture content of a metallic mineral or a metallic mineral concentrate is reduced by direct or indirect contact with a heated gas stream.

"Truck loading station" means that portion of a metallic mineral processing plant where metallic minerals or metallic mineral concentrates are loaded by a conveying system into trucks.

"Truck unloading station" means that portion of a metallic mineral processing plant where metallic ore is unloaded from a truck into a hopper, screen, or crusher.

§ 60.382 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an affected facility any stack emissions that:

(1) Contain particulate matter in excess of 0.05 grams per dry standard cubic meter.

(2) Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing emission control device.

(b) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an affected facility any process fugitive emissions that exhibit greater than 10 percent opacity.

§ 60.383 Reconstruction.

(a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under § 60.15. Ore-contact surfaces are: Crushing surfaces; screen meshes, bars, and plates; conveyor belts; elevator buckets; and pan feeders.

(b) Under § 60.15, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) that are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 24, 1982.

§ 60.384 Monitoring of operations.

(a) The owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a monitoring device for the continuous measurement of the change in pressure of the gas stream through the scrubber for any affected facility using a wet scrubbing emission control device. The monitoring device must be certified by the manufacturer to be accurate within ±250 pascals (±1 inch water) gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(b) The owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a monitoring device for the continuous measurement of the scrubbing liquid flow rate to a wet scrubber for any affected facility using any type of wet scrubbing emission control device. The monitoring device must be certified by the manufacturer to be accurate within ±5 percent of design scrubbing liquid flow rate and must be calibrated on at least an annual basis in accordance with manufacturer's instructions.

§ 60.385 Recordkeeping and reporting requirements.

(a) The owner or operator subject to the provisions of this subpart shall conduct a performance test and submit to the Administrator a written report of the results of the test as specified in § 60.8(a).

(b) During the initial performance test of a wet scrubber, and at least weekly thereafter, the owner or operator shall record the measurements of both the

change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

(c) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than ±30 percent from those measurements recorded during the most recent performance test.

(d) The reports required under paragraph (c) shall be postmarked within 30 days following the end of the second and fourth calendar quarters.

(e) The requirements of this subsection remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected sources within the State will be relieved of the obligation to comply with this subsection, provided that they comply with requirements established by the State.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

(Approved by the Office of Management and Budget under the control number 2060–0016.)

§ 60.386 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with the standards prescribed under § 60.382 as follows:

(1) Method 5 or Method 17 for concentration of particulate matter and associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate;

(4) Method 3 for gas analysis;

(5) Method 9 for measuring opacity from stack emissions and process fugitive emissions.

(b) For method 5, the following stipulations shall apply:

(1) The sampling probe and filter holder may be operated without heaters if the gas stream being sampled is at ambient temperature;

(2) For gas streams above ambient temperature, the sampling train shall be operated with a probe and filter temperature slightly above the effluent temperature (up to a maximum filter temperature of 121°C (250°F)) in order to prevent water condensation on the filter;

(3) The minimum sample volume shall be 1.7 dscm (60 dscf).

(c) For method 9, the following stipulation shall apply: the observer shall read opacity only when emissions are clearly identified as emanating solely from the affected facility being observed.

(Sec. 114, Clean Air Act, as amended (42 U.S.C. 7414))

2. Appendix A is amended by adding paragraph 2.3.3 in Method 9 as follows:

Appendix A—Reference Methods

* * * * *

Method 9—Visual Determination of the Opacity of Emissions From Stationary Sources

* * * * *

2. *Procedures*

* * * * *

2.3 * * *

2.3.3 Fugitive emissions. The guidelines for positioning of the observer in relation to the stack found in paragraph 2.1 can be applied to determination of visible opacity from fugitive emission sources. That is, the observer should have a clear view of the source and the potential emissions with the sun or other light source at his back. A position at least 15 feet from the source, but permitting a clear, unobstructed view of the source, is recommended. To the extent feasible, the line of sight should be approximately perpendicular to the flow of potential fugitive emissions, and, also, to the longer axis to the potential fugitive emissions. Readings of opacity should be made for the point(s) of highest opacity within the visible fugitive emission. The highest opacity usually occurs immediately above or immediately downwind of the source, so observers should concentrate on the area(s) close to the source.

* * * * *

[FR Doc. 84–4508 Filed 2–17–84; 8:45 am]

BILLING CODE 6560–26–M

federal register

Tuesday
February 21, 1984

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 21

Market Survey Experimental Certificates for Aircraft Modifiers; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 23544; Notice No. 84-1]

Market Survey Experimental Certificates for Aircraft Modifiers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the regulations to permit aircraft modifiers who are neither aircraft nor aircraft engine manufacturers to apply for an experimental certificate to use the modified aircraft for market surveys, sales demonstrations, or customer crew training in the same manner as aircraft and aircraft engine manufacturers. In recent years typed-certificated aircraft have been altered by a variety of modifications other than installation of different engines. Aircraft and aircraft engine manufacturers are eligible for experimental certificates to conduct market survey flights of their modifications. This proposal would permit other aircraft modifiers to conduct such flights using an experimental certificate without obtaining an exemption for this purpose.

DATE: Comments must be received on or before April 23, 1984.

ADDRESS: Send comments on this proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23544, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Alphonse G. Santarelli, Aircraft Manufacturing Division (AWS-200), Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-8361.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23544." The postcard will be dated, time stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Section 21.195(a) of the Federal Aviation Regulations (FAR) states that a manufacturer of aircraft manufactured within the United States may apply for an experimental certificate for an aircraft that is to be used for market surveys, sales demonstrations, or customer crew training. Section 21.195(b) of the FAR states that a manufacturer of aircraft engines who has altered a type-certificated aircraft by installing different engines, manufactured by him within the United States, may apply for an experimental certificate for that aircraft to be used for market surveys, sales demonstrations, or customer crew training if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, or transport category. For the purpose of this proposal, an aircraft modifier is a person who has altered the design of an aircraft that before alteration was type certificated in the normal, acrobatic, or transport category.

In recent years, type—certificated aircraft have been altered by a variety of modifications other than installation of different engines. The above sections do not permit a "non-engine" aircraft modifier to apply for an experimental certificate to use an aircraft altered by him for market surveys, sales demonstrations, or customer crew training. A number of aircraft modifiers have been granted exemptions from either § 21.195 (a) or (b) to the extent necessary to permit those aircraft modifiers to apply for experimental certificates or aircraft to be used for market surveys, sales demonstrations, or customer crew training, subject to certain limitations.

Raisbeck-Western petitioned to amend § 21.195(a) to permit aircraft modifiers to use those aircraft for market survey purposes in the same manner as aircraft manufacturers. The petitioner reasons that the present rule penalizes and discriminates against aircraft modifiers, who are not aircraft manufacturers, who should be allowed to use their modified aircraft for market surveys in the same manner as aircraft manufacturers. A summary of the petition was published in the **Federal Register** (48 FR 17105) on April 21, 1983, for public comments.

In support of the Raisbeck-Western petition one commenter states that operation of modified aircraft without the market survey authorization is extremely restrictive and definitely penalizes the modifier in his efforts to show and sell his product.

The FAA has reviewed § 21.195 in view of the Raisbeck-Western petition and the related exemptions granted to date and has determined that aircraft modifiers should also be eligible to apply for experimental certificates under § 21.195. This proposal would permit modifiers to apply for an experimental certificate to use the altered aircraft for market surveys, sales demonstrations, or customer crew training in the same manner as an aircraft or engine manufacturer who altered a type-certificated aircraft. In this way, aircraft modifiers would be able to test the market potential of the modification before mass producing the modification kits or to demonstrate the modified aircraft to potential customers before the supplemental type certificate is obtained.

It is also proposed to add a cross-reference provision to § 21.191(f) to more

clearly show the interrelationship between this paragraph and § 21.195. This is considered to be an editorial change.

Regulatory Evaluation

Benefits

Adoption of this proposal would relieve a regulation which is not believed to be necessary for safety and would thus provide benefits to certain aircraft modifiers. It would allow them to be eligible to apply for experimental certificates under Part 21 prior to issuance of a supplemental type certificate, to test the market potential of modified aircraft before mass producing the modification kits, to demonstrate the modified aircraft to potential customers, and to conduct customer crew training. In addition, a number of aircraft modifiers have been granted exemptions in the past to allow them to apply for experimental certificates for market surveys. This proposed rule would effectively eliminate the need for an aircraft modifier to obtain an exemption from the requirements of Part 21 to apply for an experimental certificate to allow the modifier's aircraft to be used for market surveys, sales demonstrations, or customer crew training in the same manner as an aircraft or aircraft engine manufacturer. By obviating the need for an exemption, this proposal would eliminate the minor cost required to develop and submit a petition for exemption and avoid the minor costs related to time lost while the aircraft modifier awaits the exemption. Additionally, the Federal Government (FAA) would experience minimal cost savings as the requirement to review and process petitions for exemption submitted by aircraft modifiers to apply for experimental certificates would be eliminated.

Costs

This proposed rule would impose no new costs or requirements on aircraft modifiers, the aviation public, or the Federal Government. If adopted, this proposal will permit aircraft modifiers to submit applications for experimental certificates for market surveys which the FAA will process consistent with current practices under § 21.195 (a) and (b).

Benefit Cost Conclusion

Based on the aforementioned discussion of the benefit and cost aspects of the proposed rule, the benefits clearly exceed the costs. The FAA invites comments on the regulatory evaluation.

International Trade Impact Analysis

The FAA believes that this regulation, if adopted, will have little or no impact on foreign trade. However, the FAA invites comments on what impact the public perceives that this regulation would have on the sale of foreign aviation products or services in the United States and on the sale of U.S. aviation products and services in foreign countries.

Regulatory Flexibility Act Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities." Certain aircraft modifiers may be classified as small entities according to the RFA. However, since this proposed rule would result in minimal savings and would not impose additional costs, it will not have a significant economic impact on any of these entities.

Therefore, FAA has determined that the proposed rule will not, if enacted, have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend Part 21 of the Federal Aviation Regulations (14 CFR Part 21) as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. By amending § 21.191 by revising paragraph (f) to read as follows:

§ 21.191 Experimental certificates.

* * * * *

(f) *Market surveys.* Use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in § 21.195.

* * * * *

2. By amending § 21.195 by redesignating present paragraph (c) as (d) and by adding a new paragraph (c) as follows:

§ 21.195 Experimental certificates: Aircraft to be used for market surveys, sales demonstrations, and customer crew training.

* * * * *

(c) A person who has altered the design of a type certificated aircraft may apply for an experimental certificate for the altered aircraft to be used for market surveys, sales demonstrations, or customer crew training if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, or transport category.

* * * * *

(Sec. 313, 314, 601, 603(c), 605, 608, 609, and 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, 1421, 1423(c), 1425, 1428, 1429, and 1430; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 21, 1983); and 14 CFR 11.45)

Note.—This proposal would provide compatibility with other paragraphs in § 21.195 whereby a modifier of aircraft could obtain an experimental certificate for a modified aircraft in the same manner as an aircraft or engine manufacturer. Furthermore, this proposal, if adopted, is not likely to result in an annual effect on the economy of $100 million or more or a major increase in costs for consumers; industry; or Federal, State, or local government agencies. In addition, this proposal, if adopted, would have little or no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States. Accordingly, it has been determined that this is not a major regulation under Executive Order 12291. In addition, the FAA has determined that this action is nonsignificant under Department of Transportation Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). Finally, as discussed previously in the preamble, it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, D.C., on January 3, 1984.

J. A. Pontecorvo,

Acting Director of Airworthiness.

[FR Doc. 84-4472 Filed 2-17-84; 8:45 am]

BILLING CODE 4910-13-M

Reader Aids

Federal Register

Vol. 49, No. 35

Tuesday, February 21, 1984

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

3965-4066	1
4067-4186	2
4187-4356	3
4357-4458	6
4459-4714	7
4715-4930	8
4931-5052	9
5053-5342	10
5343-5600	13
5601-5722	14
5723-5906	15
5907-6070	16
6071-6314	17
6315-6470	21

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

5149	4357
5150	5907
5151	5909
5152	5911
5153	5913

Executive Orders:

April 17, 1926 (Revoked in part by PLO 6514)	4478
March 29, 1866 (Revoked by PLO 6520)	5926

Administrative Orders:

Memorandums:

February 13, 1984	5915

Presidential Determinations:

No. 84-3 of December 10, 1983	6071
No. 84-4 of January 18, 1984	6073

5 CFR

301	5601
315	5601
316	5601
731	5601
754	5601

7 CFR

29	4067
42	5601
54	6315
271	6292
272	6292
273	6292
275	6292
277	6292
301	6075
400	6316, 6319
408	6320
409	6326
410	6330
414	6334
416	4187
418	6338
419	4359
421	3965
423	3965
424	4181, 5343
425	6344
428	6349
433	6353
439	3969
442	5917
443	6358
444	3973
620	6075
622	6075
623	6075
724	4367
907	4459, 5602
910	4195, 4715, 5053, 5917, 6080, 6363
959	4931
1093	4459
1150	4068
3200	5570

Proposed Rules:

53	6378
355	5778
717	4214
810	6103
910	4004
985	4763
1040	4004
1097	5133
1124	4005
1126	4006
1150	4080
1207	5762
1942	4214

8 CFR

238	5053, 5054

Proposed Rules:

103	5622

9 CFR

78	3978, 6364
81	5723
92	5054, 5724, 5726
201	6080
203	6080
301	4715
317	4715
320	4715
327	5727
381	4715

10 CFR

600	4196
1035	4314

Proposed Rules:

50	4498
60	5934
70	4091
430	4870

11 CFR

114	4932

12 CFR

20	5586, 5587
207	4932
210	4196
211	5586, 5587
220	4932
221	4932
224	4932
226	4368
262	5603

265 5603
351 ..... 5586, 5587

Proposed Rules:
20 5594
21 5594
338 5623
351 5594

13 CFR

105 4369
121 5024
137 4369
400 5917

Proposed Rules:
107 5230
112 4948
124 6103

14 CFR

11 4354
39 ..... 4070, 4461, 5055–5061, 5729, 5918, 5919, 6085, 6086
71 ..... 4070, 4071, 4200, 4462, 5730, 5731, 6087, 6088
73 5731
75 ..... 4071, 5731
97 ..... 5062, 6364
121 4354
127 4354
135 4354
145 4354
248 4372
253 5064
254 5065
320 5732

Proposed Rules:
Ch. I 4764
21 6468
39 ..... 4097, 5134, 5135
71 ..... 4100–4102, 4502, 4503, 4765, 5136, 5763, 5764, 6103, 6112
73 ..... 4765, 6382
75 4778
1214 4006

15 CFR

50 3980

Proposed Rules:
373 5349
376 5349

16 CFR

2 6089
13 ..... 3980–3984, 4072, 5763, 6366
1700 5737

Proposed Rules:
Ch. II 4103
13 ..... 5626, 5765
703 5349
1700 5768

17 CFR

1 ..... 4200, 5498
3 5498
4 5498
16 4200
31 5498
140 4463
145 ..... 4463, 5498
146 4463
147 ..... 4463, 5498
190 5498
211 4936
230 5920
240 5071
250 4715
259 4715

Proposed Rules:
3 4778
4 4778
10 4778
230 6383
240 6383
270 ..... 4504, 6383

18 CFR

8 5073
35 ..... 4936, 5073
154 ..... 5074, 5083
157 5074
271 ..... 4937, 4938, 5091
290 4938
375 5074
381 ..... 5074, 5083
1312 5923

Proposed Rules:
2 4215
154 4215
201 4215
270 4215
271 ..... 4215, 5771, 5772

19 CFR

4 3984
24 ..... 5605, 5607
101 5092
134 3986
148 3986
162 3986
171 3986
172 3986
177 3986

Proposed Rules:
Ch. 1 5350

20 CFR

416 5740

Proposed Rules:
299 6383

21 CFR

5 5094
14 4939
73 5094
74 5095
81 ..... 4201, 4202
101 5608
102 5608
114 5608
122 5608
170 5608
172 5747
173 5747
175 5747
176 ..... 5343, 5747
177 ..... 4072, 4372, 5747
178 ..... 4072, 4073, 5747
180 5608
184 5608
186 5608
430 ..... 5095, 6090
436 ..... 5095, 6090
440 ..... 5095, 6090
442 5095
444 5095
449 5097
450 ..... 5095, 6090
452 ..... 4074, 5095
455 6090
520 ..... 5098, 5614
522 ..... 4372, 5099, 5344
529 5748
546 4373
555 6090
556 5343
558 5749
561 5749

Proposed Rules:
100 4008
158 6383–6386
176 6113
179 5714
182 4008
184 4008

22 CFR

9b 4465

23 CFR

Proposed Rules:
658 4203

24 CFR

51 5100
811 4940
883 4940
888 4892

Proposed Rules:
115 5938

26 CFR

1 ..... 4206, 5344
5f 4722
6a 4074
20 4467
31 5344
301 4467

Proposed Rules:
1 ..... 4105, 4504, 4789, 5939
48 4790
51 5350
53 5350
141 5350
301 5350

27 CFR

9 4374

Proposed Rules:
178 5628

28 CFR

0 4469
45 5921

29 CFR

500 5111
1601 6368
1910 ..... 4338, 5112
1952 4469
2700 5750

Proposed Rules:
1926 ..... 4949, 6280

30 CFR

250 6095
920 4732

Proposed Rules:
901 4384
920 5971
926 4385
935 5973
938 4791
942 5137
950 4106

31 CFR

390 6368

32 CFR

1–39 6262
229 5923

Proposed Rules:
220 4215

33 CFR

100 5922
117 ..... 4075, 4942
144 4376
165 4378

Proposed Rules:
110 4386
117 ..... 5356, 5974
165 ..... 4387, 4388
204 5357
207 6386

34 CFR

Proposed Rules:
356 5902
661 4920
682 5330

36 CFR

296 5923

38 CFR

17 ..... 5616, 5617, 5751
21 5112

39 CFR

111 ..... 4076, 4208, 4942, 6095

40 CFR

35 ..... 6224, 6254
52 ..... 3987–3989, 4379
60 6458
61 4471
81 ..... 4472, 4473
145 ..... 3990–3991, 4735
180 ..... 4734, 4736, 4737, 5345, 5618, 5751, 5752, 5753
228 4942
261 5308
271 4475
403 5131
469 5922

Proposed Rules:
Ch. I 5580, 5854
35 6113
52 ..... 4113, 4215, 4390, 4792, 4795, 4796, 6386
60 ..... 4590, 5326
62 5358
81 4798
145 ..... 4216, 4217
156 4013
162 4013
180 ..... 4801, 5774
260 4802
261 5313
271 5138
463 5862
600 5775
716 5974

721 4390
1502 4803
1508 4803

41 CFR

5-2 5754
9-1 4314
101-11 6370

42 CFR

85 4738
85a 4738
400 4476
431 4740
435 5740

43 CFR

4 ..... 4077, 6371
7 5923
20 6373
426 6096
2650 6371
4100 6440
8560 5300

Public Land Orders:

3976 (Revoked by PLO 6513) 4478
6511 4478
6512 4478
6513 4478
6514 4478
6515 5923
6516 5924
6517 5755
6518 5924
6519 5925
6520 5926

Proposed Rules:

4 4401
3100 4217
3110 4217
3830 4217

44 CFR

2 5926
59 4750
60 4750
61 ..... 4750, 5621
62 4750
64 ..... 4750, 5116
65 4750
66 4750
67 ..... 4750, 5117
70 4750
75 ..... 4750, 5621
77 4750
151 5929

Proposed Rules:

8 5976
15 5359
205 4222

45 CFR

Proposed Rules:

5b 5361

46 CFR

25 4479
33 4479
35 4479
67 4944
94 4479
97 4479
107 4479
108 4479
109 4479
111 4946
151 4946
160 4479
192 4479
196 4479
401 5347

47 CFR

1 4380
2 3991
5 3991
15 3991
21 3991
67 4752
73 ..... 3991, 4208, 4380, 4488-4491, 4752, 4754, 5621, 5757, 5759
74 ..... 3991, 4208, 4380
78 3991
90 4492
94 3991
95 ..... 4002, 6098

Proposed Rules:

2 4013
73 ..... 4208, 4521-4527, 5630-5633, 5775, 5777
81 ..... 4013, 6116
83 ..... 4013, 5634, 6114, 6116
90 5639

48 CFR

Proposed Rules:

Ch. 14 5472
Ch. 18 6388

49 CFR

1 4077
574 ..... 4755, 5621
801 4495
1164 4382

Proposed Rules:

571 4530
1002 6118
1011 6118
1152 6118
1177 6118
1180 6118
1182 6118

50 CFR

17 6099
20 4077
611 4212
663 5932

Proposed Rules:

17 ..... 4804, 4951, 5977, 5978, 6388
222 4804
611 4956
654 4806
655 ..... 5139, 5140
658 4806

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 17, 1984.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been changed since last week.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $550 domestic, $137.50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$6.00	Jan. 1, 1983
3 (1982 Compilation and Parts 100 and 101)	6.00	Jan. 1, 1983
4	7.50	Jan. 1, 1983
5 Parts:		
1-1199	8.50	Jan. 1, 1983
1200-End, 6 (6 Reserved)	6.00	Jan. 1, 1983
7 Parts:		
0-45	9.00	Jan. 1, 1983
46-51	7.50	Jan. 1, 1983
52	9.00	Jan. 1, 1983
53-209	7.50	Jan. 1, 1983
210-299	7.00	Jan. 1, 1983
300-399	5.50	Jan. 1, 1983
400-699	6.50	Jan. 1, 1983
700-899	6.50	Jan. 1, 1983
900-999	8.50	Jan. 1, 1983
1000-1059	7.50	Jan. 1, 1983
1060-1119	6.50	Jan. 1, 1983
1120-1199	7.00	Jan. 1, 1983
1200-1499	7.00	Jan. 1, 1983
1500-1899	6.50	Jan. 1, 1983
1900-1944	8.00	Jan. 1, 1983
1945-End	7.00	Jan. 1, 1983
8	6.50	Jan. 1, 1983
9 Parts:		
1-199	7.50	Jan. 1, 1983
200-End	7.50	Jan. 1, 1983
10 Parts:		
0-199	9.00	Jan. 1, 1983
200-399	7.50	Jan. 1, 1983
400-499	6.50	Jan. 1, 1983
500-End	7.00	Jan. 1, 1983
11	5.50	July 1, 1983
12 Parts:		
1-199	7.00	Jan. 1, 1983
200-299	8.00	Jan. 1, 1983
300-499	7.00	Jan. 1, 1983
500-End	8.00	Jan. 1, 1983
13	8.00	Jan. 1, 1983
14 Parts:		
1-59	7.00	Jan. 1, 1983
60-139	7.00	Jan. 1, 1983
140-199	5.50	Jan. 1, 1983
200-1199	7.00	Jan. 1, 1983
1200-End	6.50	Jan. 1, 1983
15 Parts:		
0-299	6.50	Jan. 1, 1983
300-399	7.00	Jan. 1, 1983
400-End	7.50	Jan. 1, 1983

Title	Price	Revision Date
16 Parts:		
0-149	7.00	Jan. 1, 1983
150-999	7.00	Jan. 1, 1983
1000-End	7.00	Jan. 1, 1983
17 Parts:		
1-239	8.00	Apr. 1, 1983
240-End	7.00	Apr. 1, 1983
18 Parts:		
1-149	7.00	Apr. 1, 1983
150-399	8.00	Apr. 1, 1983
400-End	6.50	Apr. 1, 1983
19	8.50	Apr. 1, 1983
20 Parts:		
1-399	5.50	Apr. 1, 1983
400-499	7.00	Apr. 1, 1983
500-End	7.50	Apr. 1, 1983
21 Parts:		
1-99	6.00	Apr. 1, 1983
100-169	6.50	Apr. 1, 1983
170-199	6.50	Apr. 1, 1983
200-299	4.75	Apr. 1, 1983
300-499	8.00	Apr. 1, 1983
500-599	6.50	Apr. 1, 1983
600-799	5.00	Apr. 1, 1983
800-1299	6.00	Apr. 1, 1983
1300-End	5.00	Apr. 1, 1983
22	8.50	Apr. 1, 1983
23	7.00	Apr. 1, 1983
24 Parts:		
0-199	6.00	Apr. 1, 1983
200-499	8.00	Apr. 1, 1983
500-799	5.00	Apr. 1, 1983
800-1699	6.50	Apr. 1, 1983
1700-End	6.00	Apr. 1, 1983
25	8.00	Apr. 1, 1983
26 Parts:		
§§ 1.0-1.169	8.00	Apr. 1, 1983
§§ 1.170-1.300	7.50	[1] Apr. 1, 1982
§§ 1.301-1.400	6.00	Apr. 1, 1983
§§ 1.401-1.500	7.00	Apr. 1, 1983
§§ 1.501-1.640	6.50	Apr. 1, 1983
§§ 1.641-1.850	7.50	[1] Apr. 1, 1982
§§ 1.851-1.1200	8.00	Apr. 1, 1983
§§ 1.1201-End	8.50	Apr. 1, 1983
2-29	7.00	Apr. 1, 1983
30-39	6.00	Apr. 1, 1983
40-299	7.50	Apr. 1, 1983
300-499	6.00	Apr. 1, 1983
500-599	8.00	[2] Apr. 1, 1980
600-End	5.00	Apr. 1, 1983
27 Parts:		
1-199	6.50	Apr. 1, 1983
200-End	6.50	Apr. 1, 1983
28	7.00	July 1, 1983
29 Parts:		
0-99	8.00	July 1, 1983
100-499	5.50	July 1, 1983
500-899	8.00	July 1, 1983
900-1899	5.50	July 1, 1983
1900-1910	8.50	July 1, 1983
1911-1919	4.50	July 1, 1983
1920-End	8.00	July 1, 1983
30 Parts:		
0-199	7.00	July 1, 1983
*200-699	5.50	Oct. 1, 1983
200-End	10.00	July 1, 1982
31 Parts:		
0-199	6.00	July 1, 1983
200-End	6.50	July 1, 1983

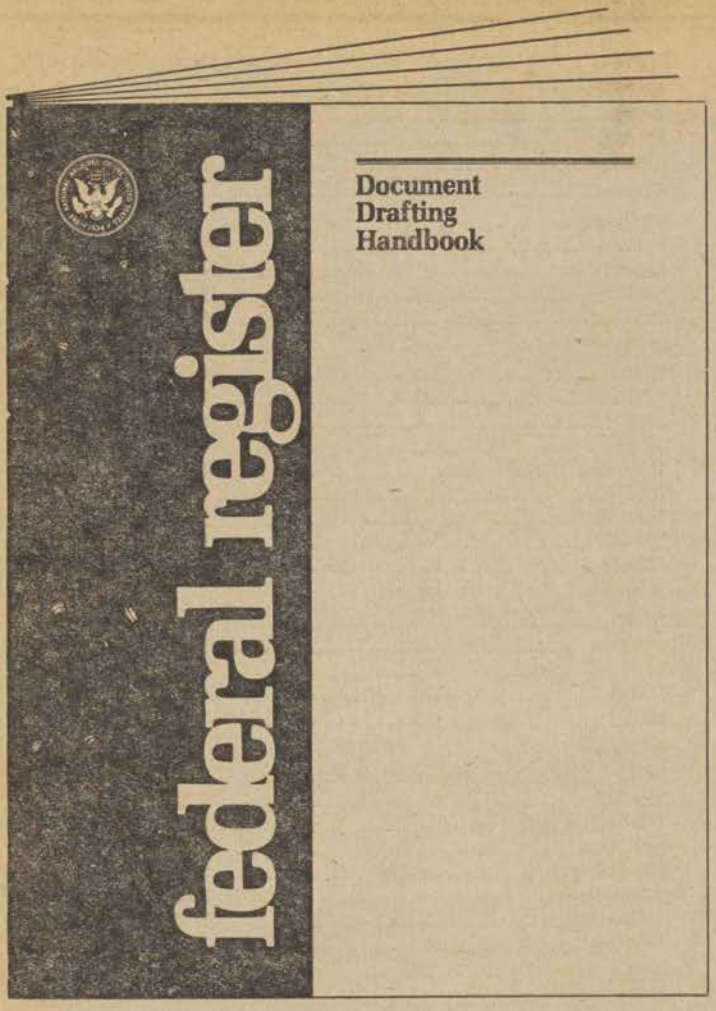
Title	Price	Revision Date
32 Parts:		
1-39, Vol. I	8.50	July 1, 1983
1-39, Vol. II	13.00	July 1, 1983
1-39, Vol. III	9.00	July 1, 1983
40-189	6.50	July 1, 1983
190-399	13.00	July 1, 1983
400-699	12.00	July 1, 1983
700-799	7.50	July 1, 1983
800-999	6.50	July 1, 1983
1000-End	6.00	July 1, 1983
33 Parts:		
1-199	14.00	July 1, 1983
200-End	7.00	July 1, 1983
34 Parts:		
1-299	13.00	July 1, 1983
300-399	6.00	July 1, 1983
400-End	15.00	July 1, 1983
35	5.50	July 1, 1983
36 Parts:		
1-199	6.50	July 1, 1983
200-End	12.00	July 1, 1983
37	6.00	July 1, 1983
38 Parts:		
0-17	7.00	July 1, 1983
18-End	6.50	July 1, 1983
39	7.50	July 1, 1983
40 Parts:		
0-51	7.50	July 1, 1983
52	14.00	July 1, 1983
53-80	14.00	July 1, 1983
81-99	7.50	July 1, 1983
100-149	6.00	July 1, 1983
150-189	6.50	July 1, 1983
190-399	7.00	July 1, 1983
400-424	6.50	July 1, 1983
*425-End	13.00	July 1, 1983
41 Chapters:		
1, 1-1 to 1-10	7.00	July 1, 1983
1, 1-11 to Appendix, 2 (2 Reserved)	6.50	July 1, 1983
3-6	7.00	July 1, 1983
7	5.00	July 1, 1983
8	4.75	July 1, 1983
9	7.00	July 1, 1983
10-17	6.50	July 1, 1983
18, Vol. I, Parts 1-5	6.50	July 1, 1983
18, Vol. II, Parts 6-19	7.00	July 1, 1983
18, Vol. III, Parts 20-52	6.50	July 1, 1983
19-100	7.00	July 1, 1983
101	14.00	July 1, 1983
102-End	6.50	July 1, 1983
42 Parts:		
1-60	12.00	Oct. 1, 1983
61-399	7.50	Oct. 1, 1983
400-End	9.50	Oct. 1, 1982

Title	Price	Revision Date
43 Parts:		
1-999	9.00	Oct. 1, 1983
1000-3999	8.50	Oct. 1, 1982
4000-End	7.50	Oct. 1, 1983
44	12.00	Oct. 1, 1983
45 Parts:		
1-199	9.00	Oct. 1, 1983
200-499	6.00	Oct. 1, 1983
500-1199	12.00	Oct. 1, 1983
1200-End	9.00	Oct. 1, 1983
46 Parts:		
1-40	9.00	Oct. 1, 1983
41-69	9.00	Oct. 1, 1983
70-89	5.00	Oct. 1, 1983
90-139	9.00	Oct. 1, 1983
140-155	8.00	Oct. 1, 1983
156-165	9.00	Oct. 1, 1983
166-199	7.00	Oct. 1, 1983
200-399	8.50	Oct. 1, 1982
400-End	7.00	Oct. 1, 1983
47 Parts:		
*0-19	12.00	Oct. 1, 1983
20-69	9.00	Oct. 1, 1982
70-79	8.00	Oct. 1, 1982
80-End	9.00	Oct. 1, 1982
48	1.50	[3] Sept. 19, 1983
49 Parts:		
*1-99	7.00	Oct. 1, 1983
100-177	9.00	Oct. 1, 1982
178-199	8.00	Oct. 1, 1982
200-399	7.50	Oct. 1, 1982
400-999	8.00	Oct. 1, 1982
*1000-1199	12.00	Oct. 1, 1983
1200-1299	7.50	Oct. 1, 1982
1300-End	7.50	Oct. 1, 1982
50 Parts:		
1-199	7.00	Oct. 1, 1982
*200-End	13.00	Oct. 1, 1983
CFR Index and Findings Aids	9.50	Jan. 1, 1983
Complete 1983 CFR set	615.00	1983
Complete 1984 CFR set	550.00	1984
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1982
Subscription (mailed as issued)	250.00	1983
Subscription (mailed as issued)	200.00	1984
Individual copies	2.25	1983

[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).



Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Feder agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.00

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me ____ copies of the DOCUMENT DRAFTING HANDBOOK at $5.00 per copy. Stock No. 022-001-00088-4.

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity	Charges
_____ Publications	
_____ Subscription	
Special Shipping Charges	
International Handling	
Special Charges	
OPNR	
_____ UPNS	
_____ Balance Due	
_____ Discount	
_____ Refund	

882